

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 22, 2013

Senate called to order at 12:01 p.m.

President Krolicki presiding.

President Krolicki requested that the Senate take a moment to reflect on the incident, one week ago, at the Boston Marathon and observe a moment of silence to support and consider those who lost their lives and those who were so badly injured.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

Because Your loving-kindness is better than life, my lips will praise You. So I will bless You as long as I live; I will lift up my hands in Your Name.

Please pray with me. O God, Most High, Creator, Sustainer and Giver of Life, as we gather together today, representing the people of our great State of Nevada, we ask for Your discernment, understanding and wisdom as this Floor Session begins.

We pray for families and friends who have been affected by the tragedy in Boston this last week. We pray for healing in our Nation, that we stay strong in faith in the midst of terror and the continuing onslaught of the enemy.

We give You thanks, Lord, for Your abiding presence with us; that through the storms of life, You promise never to leave us nor forsake us. We pray for all those serving in harm's way—at home and abroad. Protect them and bless each one who strives for freedom and peace in our country.

We pray in Your most holy Name.

AMEN.

Pledge of Allegiance to the Flag.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 252, 266, 327, 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 221, 277, 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JUSTIN C. JONES, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 82, 133, 148, 371, 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

AARON D. FORD, *Chair*

Mr. President:

Your Committee on Transportation, to which was referred Senate Bill No. 210, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARK A. MANENDO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bills Nos. 49, 82, 133, 148, 210, 221, 252, 266, 277, 327, 352, 371, 399, 502, just reported out of Committee, be placed on the Second Reading File for this legislative day.

Motion carried.

Senator Smith moved that Senate Bills Nos. 183, 280, 373, 422, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Cegavske moved that Senate Bill No. 192 be taken from the Secretary's Desk and placed on the General File for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 511—AN ACT making an appropriation to Save the Children for in-school and after-school literacy programs in this State; and providing other matters properly relating thereto.

Senator Smith moved that the Senate Bill No. 511 be referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 329.

"SUMMARY—Revises provisions relating to public officers. (BDR 24-382)"

"AN ACT relating to public office; revising provisions relating to the personal use of campaign contributions by candidates; requiring a candidate

to report annually the balance in his or her campaign account; ~~[requiring a candidate to report certain]~~ making various changes regarding the reporting of campaign contributions and campaign expenses; ~~[within 72 hours after receipt or expenditure; revising the definition of "expenditures";]~~ increasing the amount of a civil penalty that may be imposed for certain violations of laws relating to campaign finance; authorizing the Secretary of State to request equitable relief as a remedy for a violation of laws relating to campaign finance; making various other changes relating to campaign finance; prohibiting public officers, candidates and certain persons related to or employed by public officers or candidates from accepting or soliciting certain gifts; prohibiting certain persons from giving or offering to give certain gifts to public officers, candidates and certain persons related to public officers or candidates or employed by public officers; requiring the Director of the Legislative Counsel Bureau to forward certain reports relating to activities of lobbyists to the Secretary of State; authorizing the Secretary of State to enforce provisions relating to the giving and receiving of gifts to public officers ~~[and]~~ and candidates; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits a candidate for public office from spending money received as a campaign contribution for the candidate's personal use. (NRS 294A.160) Section 3 of this bill moves the prohibition to a new section and sets forth what constitutes "personal use." The provisions setting forth what constitutes "personal use" are modeled after federal law. (2 U.S.C. § 439a; 11 C.F.R. § 113.2)

Existing law requires every candidate for public office to open and maintain a bank account for the deposit of campaign contributions. (NRS 294A.130) Section 4 of this bill requires a candidate to report annually the balance in his or her account. Section 36.5 of this bill makes this requirement apply prospectively and provides that the balance of any account opened before January 1, 2014, shall be deemed \$0.

Under existing law, every candidate for public office must report to the Secretary of State contributions and campaign expenses greater than \$100 by statutorily scheduled dates ~~[and]~~ during an election year. Existing law also requires candidates to file such a report annually during nonelection years. (NRS 294A.120, 294A.200) Sections 8.5 and 10.5 of this bill require each candidate to include in the required reports the amounts of unspent contributions disposed of pursuant to the provisions of existing law. Sections 6.3 and 6.7 of this bill require each candidate to report contributions, campaign expenses and unspent contributions disposed of on a quarterly basis during nonelection years.

Sections 5 and 6 of this bill require candidates who receive contributions, ~~[and]~~ incur campaign expenses or make certain expenditures greater than ~~[\$1,000]~~ \$2,000 during the period for early voting to report those contributions, ~~[and]~~ campaign expenses or expenditures to the Secretary of

State not later than 72 hours after receiving the contribution ~~or~~ incurring the expense ~~or~~ making the expenditure.

Existing law defines campaign expenditures that are required to be reported by candidates, committees and other entities as expenditures made to advocate expressly for or against a candidate, group of candidates or ballot question. The advocacy can be on television, radio, billboards or posters or in newspapers. (NRS 294A.0075) Section 8 of this bill expands the definition of "expenditures" to include expenditures made for campaign advocacy on an Internet website or in periodicals other than newspapers or by mail. ~~[Section 8 also specifies certain payments of money that are not considered campaign expenditures.]~~

Existing law requires certain persons who make expenditures that are not solicited or approved by a candidate or group of candidates to file contribution and expenditure reports and prohibits contributions from foreign nationals to such persons. (NRS 294A.140, 294A.210, 294A.325) Sections 7, 9 and 11 of this bill require contribution and expenditure reports from persons who make campaign expenditures that are not coordinated with a candidate or group of candidates, and section 12 of this bill prohibits contributions from foreign nationals to such persons.

Existing law authorizes the Secretary of State to bring an action in the First Judicial District Court seeking a civil penalty of not more than \$5,000 against a person, committee or entity that does not file a campaign contribution or expense report or fails to register with the Secretary of State as required pursuant to chapter 294A of NRS. (NRS 294A.420) Section 17 of this bill authorizes the First Judicial District Court, on application by the Secretary of State, to issue an injunction or grant other appropriate equitable relief to ensure compliance with or enforce the provisions of chapter 294A of NRS. Section 17 also provides that the maximum amount of civil penalty that may be imposed for those violations is the greater of \$5,000 or three times the amount at issue in the civil action.

Existing law requires certain public officers and candidates to report gifts received in excess of an aggregate value of \$200 from a donor during a calendar year on a statement of financial disclosure that such public officers and candidates must file with the Secretary of State. (NRS 281.559, 281.561, 281.571) Existing law also prohibits a member of the Legislature or his or her staff or immediate family from accepting gifts that exceed an aggregate value of \$100 from a lobbyist during a calendar year and prohibits a lobbyist from giving more than \$100 worth of gifts to a member of the Legislature or his or her staff or immediate family during a calendar year. (NRS 218H.930)

Section 29 of this bill prohibits public officers, candidates and persons related to public officers or candidates within the third degree of consanguinity or affinity from accepting or soliciting gifts from a restricted donor. Section 28 of this bill provides that a restricted donor is a person who: (1) is, or is seeking to be, a party to a contract with a body of which the public officer is a member ~~or~~ or to which a candidate is seeking election;

(2) is or may be, or is the agent of a person who is or may be, materially or financially affected by the performance or nonperformance of an official duty of the public officer ~~or~~ or of the office to which a candidate is seeking election; (3) is, or is the agent of a person who is, the subject of or a party to a matter pending before the body of which the public officer is a member ~~or~~ or to which a candidate is seeking election; or (4) is a lobbyist or client of a lobbyist. Section ~~28~~ 29 also prohibits such a person from making or offering to make a gift to ~~the~~ a public officer, candidate or person related to ~~the~~ a public officer, or candidate. Section 30 of this bill sets forth certain exclusions from the prohibition on giving or accepting gifts. Sections 7, 19, 20, 22, 25-28, 32 and 34-36 of this bill make conforming changes.

Existing law authorizes the Secretary of State to bring an action in the First Judicial District Court seeking a civil penalty against a public officer or candidate for public office who willfully fails to file a statement of financial disclosure or willfully files the statement late. (NRS 281.581) Section 36 of this bill authorizes the Secretary of State to bring an action seeking a civil penalty against: (1) a candidate for public office or public officer who willfully includes inaccurate information or fails to include information in the statement of financial disclosure; (2) a public officer or candidate who accepts or solicits certain gifts; and (3) a restricted donor. Section 36 also authorizes the First Judicial District Court, on application by the Secretary of State, to issue an injunction or grant other appropriate equitable relief to ensure compliance with or enforce the provisions relating to statements of financial disclosure and gifts to public officers ~~and~~ and candidates. Section 31 of this bill authorizes the Secretary of State to conduct investigations for the purpose of bringing actions authorized pursuant to section 36.

Section 20 requires the Director of the Legislative Counsel Bureau to forward to the Secretary of State reports that registered lobbyists are required to file with the Director regarding their lobbying activities. (NRS 218H.400) Section 21 of this bill requires the Director to report suspected violations of section 29 to the Secretary of State. Section 21 also authorizes the Director to suspend the registration of a lobbyist at the Nevada Legislature against whom a civil penalty has been imposed for a violation of section 29. (NRS 218H.530)

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

Section 1. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports ~~[on campaign contributions and expenditures]~~ submitted to the Secretary of State pursuant to the provisions of *chapter 294A of NRS* . ~~[294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.]~~

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to ~~[6.]~~ 6.7, inclusive, of this act.

Sec. 3. 1. *It is unlawful for a candidate to spend money received as a campaign contribution for the candidate's personal use.*

2. *As used in this section, "personal use" means any use that fulfills a commitment, obligation or expense that would exist irrespective of the candidate's campaign or duties as a public officer, including, without limitation, use for:*

(a) *Household items or supplies;*

(b) *Mortgage, rent or utility payments related to:*

(1) *Except as otherwise provided in subparagraph (2), any real or personal property that is owned by the candidate or a member of the candidate's family; or*

(2) *Real or personal property that is owned by the candidate or a member of the candidate's family and used for campaign purposes to the extent the payment exceeds the fair market value of the usage of that real or personal property;*

(c) *Admission to a sporting event, concert, theater event or any other form of entertainment unless the event is part of the candidate's campaign or related to his or her public office;*

(d) *Dues, fees or gratuities at a social club, country club, health club ~~or~~ or recreational facility ~~for other nonpolitical organization]~~ unless the dues, fees or gratuities are part of a fundraising event that takes place on the organization's premises;*

(e) *The payment of a salary or other economic benefit to a relative of the candidate within the third degree of consanguinity or affinity, unless the relative is providing bona fide services to the candidate's campaign;*

(f) Clothing, except for items of clothing that are used in the candidate's campaign ~~and are of de minimis value;~~ or, if the candidate is a public officer, in the ordinary and necessary execution of the duties of the public office; or

(g) Funeral, cremation or burial expenses.

3. The term does not include:

(a) Campaign expenses; or

(b) The ordinary and necessary expenses incurred in connection with holding public office.

Sec. 4. 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, every candidate shall report the balance in the account opened and maintained by the candidate pursuant to NRS 294A.130 ~~for~~, as of the last calendar day of the reporting period for the report.

2. A report required pursuant to this section must be filed not later than the date on which the candidate must file his or her first report ~~for contributions or campaign expenses~~ in a calendar year pursuant to NRS 294A.120, 294A.200 or 294A.360.

3. A report required pursuant to this section must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

4. Except as otherwise provided in NRS 294A.3733, a report required pursuant to this section must be filed electronically with the Secretary of State.

5. A report shall be deemed filed on the date that it is received by the Secretary of State.

Sec. 5. 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.125, 294A.128 and 294A.360, a candidate whose name appears on the ballot at a primary election, primary city election, general election, general city election or special election shall report ~~for each~~ :

(a) Each contribution received during the period for early voting that is in excess of ~~(\$1,000)~~ \$2,000; and

(b) Contributions received during the period for early voting from a contributor which cumulatively exceed \$2,000.

2. The candidate shall report each contribution described in subsection 1 not later than 72 hours after ~~receiving~~ :

(a) If the contribution ~~for~~ is a contribution of money, the time the contribution is deposited in the account opened and maintained by the candidate pursuant to NRS 294A.130; and

(b) If the contribution is a contribution of goods or services provided in kind for which money would have otherwise been paid, the time the

candidate knows or should reasonably know that the contribution has been made.

~~2.7~~ 3. A report required pursuant to this section must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

~~3.7~~ 4. The name and address of the contributor and the date on which the contribution was received must be included on the report.

~~4.4~~ 5. Except as otherwise provided in NRS 294A.3733, a report required pursuant to this section must be filed electronically with the Secretary of State.

~~5.7~~ 6. A report shall be deemed filed ~~for~~ at the ~~date~~ time that it is received by the Secretary of State.

Sec. 6. 1. In addition to complying with the requirements set forth in NRS 294A.200, 294A.286 and 294A.360 ~~and~~ :

(a) A candidate whose name appears on the ballot at a primary election, primary city election, general election, general city election or special election shall report ~~each~~ :

(1) Each campaign expense incurred during the period for early voting that is in excess of ~~(\$1,000)~~ \$2,000; and

(2) Campaign expenses incurred during the period for early voting which are payments to one recipient and cumulatively exceed \$2,000; and

(b) A candidate whose name does not appear on the ballot at a primary election, primary city election, general election or general city election shall report:

(1) Each expenditure made during the period for early voting on behalf of or against a candidate or group of candidates on the ballot at the election or question or group of questions on the ballot at the election which is in excess of \$2,000; and

(2) Expenditures made during the period for early voting on behalf of or against a candidate or group of candidates for office at the election or question or group of questions on the ballot at the election which are made to one recipient and cumulatively exceed \$2,000.

2. The candidate shall report expenses and expenditures described in subsection 1 not later than 72 hours after incurring the campaign expense ~~or~~ or making the expenditure.

~~2.7~~ 3. A report required pursuant to this section must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

~~[3.]~~ 4. Except as otherwise provided in NRS 294A.3733, a report required pursuant to this section must be filed electronically with the Secretary of State.

~~[4.]~~ 5. A report shall be deemed filed ~~for~~ at the ~~date~~ time that it is received by the Secretary of State.

Sec. 6.3. 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.125, 294A.128 and 294A.360, a candidate for state, district, county, city or township office at a primary election, general election, primary city election, general city election or special election who is elected to that office shall, for the calendar year immediately following the general election, general city election or special election through the calendar year immediately preceding the next general or general city election for that office, not later than:

(a) April 15, for the period from January 1 through March 31;

(b) July 15, for the period from April 1 through June 30;

(c) October 15, for the period from July 1 through September 30; and

(d) January 15 of the next calendar year, for the period from October 1 through December 31.

→ report each campaign contribution described in subsection 1 of NRS 294A.120 received during the period.

2. A report required by this section must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, a report required by this section must be filed electronically with the Secretary of State.

4. A report shall be deemed to be filed on the date that it is received by the Secretary of State.

Sec. 6.7. 1. In addition to complying with the requirements set forth in NRS 294A.200, 294A.286 and 294A.360, a candidate for state, district, county, city or township office at a primary election, general election, primary city election, general city election or special election who is elected to the office shall, for the calendar year immediately following the general election, general city election or special election through the calendar year immediately preceding the next general or general city election for that office, not later than:

(a) April 15, for the period from January 1 through March 31;

(b) July 15, for the period from April 1 through June 30;

(c) October 15, for the period from July 1 through September 30; and

(d) January 15 of the next calendar year, for the period from October 1 through December 31.

↪ report each of the campaign expenses described in subsection 1 of NRS 294A.200 incurred during the period, and the amounts disposed of as described in subsection 1 of NRS 294A.200 during the period.

2. A report required by this section must be submitted on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. Except as otherwise provided in NRS 294A.3733, a report required by this section must be filed electronically with the Secretary of State.

4. A report shall be deemed to be filed on the date that it is received by the Secretary of State.

Sec. 7. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. "Contribution" means a ~~[gift]~~ loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not *coordinated with or* solicited or approved by the candidate or group; or

(3) Committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates,

↪ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services provided to a campaign.

Sec. 8. NRS 294A.0075 is hereby amended to read as follows:

294A.0075 ~~[1.]~~ "Expenditures" means:

1. ~~[Those expenditures made]~~

~~[(a)]~~ Money paid for advertising or communication on television, radio, billboards, ~~for~~ posters ~~[.]~~ ~~[and]~~ or an Internet website, in newspapers ~~[.]~~ or other periodicals or by mail; and

2. ~~[(b)]~~ All other ~~[expenditures made,~~ money paid,

↪ to advocate expressly the election or defeat of a clearly identified candidate or group of candidates or the passage or defeat of a clearly identified question or group of questions on the ballot, including any payments made to a candidate or any person who is related to the candidate within the second degree of consanguinity or affinity.

~~¶ 2. The term does not include payment of money for any communication:~~

~~(a) Appearing in a news story, commentary or editorial distributed through the facilities of any television or radio broadcasting station, unless the facilities are owned or controlled by a political party, committee for political action or candidate; or~~

~~(b) Made during a candidate debate or forum or promoting a candidate debate or forum.~~

Sec. 8.5. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary, ~~for~~ general *or special* election shall, ~~not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year,~~ for each period described in subsections 2 to 5, inclusive, report ~~the following contributions pursuant to the provisions of this section:~~

(a) Each campaign contribution in excess of \$100 received during the period;

(b) Contributions received during the period from a contributor which cumulatively exceed \$100; and

(c) The total of all contributions received during the period which are \$100 or less and which are not otherwise required to be reported pursuant to paragraph (b).

~~¶ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.~~

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; ~~and~~

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election ~~the~~; and

(e) January 15 of the following calendar year, for the period from 4 days before the general election through the December 31 immediately following the general election.

➡ report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; ~~and~~

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election ~~;~~ and

(e) January 15 of the following calendar year, for the period from 4 days before the general election through the December 31 immediately following the general election.

➡ report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

↪ report each campaign contribution described in subsection 1 received during the period. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions received on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

↪ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

6. Except as otherwise provided in NRS 294A.3733, reports of campaign contributions must be filed electronically with the Secretary of State.

7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 9. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not *coordinated with or* solicited or approved by the candidate or group, and every committee for political action, political party and committee sponsored by a political party which receives contributions in excess of \$100 or makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 received during the period and

contributions received during the period from a contributor which cumulatively exceed \$100. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Twenty-one days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;

(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;

(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➡ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of \$100 since the beginning of the current reporting period.

4. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general

city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Twenty-one days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;

(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;

(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election, ➤ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➤ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

6. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

➡ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

7. Except as otherwise provided in NRS 294A.3737, the reports of contributions required pursuant to this section must be filed electronically with the Secretary of State.

8. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

9. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

Sec. 10. 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 campaign contribution for the candidate's personal use.~~

~~2.}~~ Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use campaign 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 campaign contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360. A candidate or public officer shall not use campaign contributions to satisfy a civil or criminal penalty imposed by law.

~~{3.}~~ 2. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city 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-}~~ 3. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who withdraws after filing a declaration of candidacy or an acceptance of candidacy or is defeated for that office and who received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city 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-}~~ 4. Every candidate for a state, district, county, city or township office who withdraws after filing a declaration of candidacy or an acceptance of candidacy or is defeated for that office at a primary or primary city election and received a contribution from a person in excess of \$5,000 shall, not later than the 15th day of the second month after the election, return any money in excess of \$5,000 to the contributor.

~~{6-}~~ 5. Except as otherwise provided in subsection ~~{7-}~~ 6, every public officer who:

(a) Holds a state, district, county, city or township office;

(b) Does not run for reelection to that office and is not a candidate for any other office; 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 3.

~~{7.}~~ 6. A public officer who:

(a) Holds a state, district, county, city or township office;

(b) Does not run for reelection to that office and is a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

↪ may use the unspent campaign 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, 294A.360 and 294A.362 *and sections 4 ~~{5 and 6}~~ to 6.7, inclusive, of this act* for as long as the public officer is a candidate for any office.

~~{8.}~~ 7. In addition to the methods for disposing the unspent money set forth in subsections 2, 3, 4 ~~{5}~~ and ~~{7.}~~ 6, a Legislator may donate not more than \$500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

~~{9.}~~ 8. Any contributions received before a candidate for a state, district, county, city or township office at a primary, general, primary city, general city 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 3.

~~{10.}~~ 9. 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.

~~{11.}~~ 10. As used in this section, "contributions" include any interest and other income earned thereon.

Sec. 10.5. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary ~~, {or} general~~ *or special* election shall, ~~{not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year,}~~ *for each period described in subsections 2 to 5, inclusive, report ~~{the following expenses, and amounts disposed of, pursuant to the provisions of this section.}~~*

(a) Each of the campaign expenses in excess of \$100 incurred during the period;

(b) Each amount in excess of \$100 disposed of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 during the period;

(c) The total of all campaign expenses incurred during the period which are \$100 or less; and

(d) The total of all amounts disposed of during the period pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 which are \$100 or less, ~~on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.~~

~~2. The provisions of subsection 1 apply to the candidate:~~

~~(a) Beginning the year of the general election for that office, through the year immediately preceding the next general election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or 294A.286.~~

~~3. 2.~~ Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; ~~and~~

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election ~~;~~ and

(e) January 15 of the following calendar year, for the period from 4 days before the general election through the December 31 immediately following the general election.

➔ report each of the campaign expenses described in subsection 1 incurred during the period , and the amounts disposed of as described in subsection 1 during the period, on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

~~4. 3.~~ Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Twenty-one days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 25 days before the primary election;

(b) Four days before the primary election for that office, for the period from 24 days before the primary election through 5 days before the primary election;

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; ~~and~~

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election. ~~†~~; and

(e) January 15 of the following calendar year, for the period from 4 days before the general election through the December 31 immediately following the general election.

↪ report each of the campaign expenses described in subsection 1 incurred during the period , and the amounts disposed of as described in subsection 1 during the period, on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

~~†~~ ~~5.~~ 4. Except as otherwise provided in subsection ~~†~~ ~~6.~~ 5. every candidate for a district office at a special election shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

↪ report each of the campaign expenses described in subsection 1 incurred during the period , and the amounts disposed of as described in subsection 1 during the period, on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under an oath to God or penalty of perjury. A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

~~†~~ ~~6.~~ 5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses described in subsection 1 incurred , and the amounts disposed of as described in subsection 1, on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under an oath to God or penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of

NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

↪ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

~~7.1~~ 6. Except as otherwise provided in NRS 294A.3733, reports of campaign expenses must be filed electronically with the Secretary of State.

~~8.1~~ 7. A report shall be deemed to be filed on the date that it was received by the Secretary of State.

Sec. 11. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not *coordinated with or* solicited or approved by the candidate or group, and every committee for political action, political party or committee sponsored by a political party which receives contributions in excess of \$100 or makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee or political party, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury. The provisions of this subsection apply to the person, committee or political party beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Twenty-one days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;

(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;

(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

→ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

3. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Twenty-one days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 25 days before the primary election or primary city election;

(b) Four days before the primary election or primary city election for that office, for the period from 24 days before the primary election or primary city election through 5 days before the primary election or primary city election;

(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

→ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a

representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the beginning of early voting by personal appearance for the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

↪ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

5. Every person, committee or political party described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of \$100 on the form designed and made available by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee or political party under an oath to God or penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

↪ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. Except as otherwise provided in NRS 294A.3737, the reports must be filed electronically with the Secretary of State.

8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate.

9. A report shall be deemed to be filed on the date that it was received by the Secretary of State. Every person, committee or political party described in subsection 1 shall file a report required by this section even if the person, committee or political party receives no contributions.

Sec. 12. NRS 294A.325 is hereby amended to read as follows:

294A.325 1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:

- (a) A candidate;
- (b) A committee for political action;
- (c) A committee for the recall of a public officer;
- (d) A person who is not under the direction or control of a candidate, of a group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure that is not *coordinated with or* solicited or approved by the candidate or group;
- (e) A political party or committee sponsored by a political party that makes an expenditure on behalf of a candidate or group of candidates;
- (f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;
- (g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; or
- (h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225.

2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.

3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization or nonprofit corporation is aware of facts that would lead a reasonable person to inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization or nonprofit corporation shall be deemed to have not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization or nonprofit corporation if the candidate, person, group, committee, political party, organization or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.

4. If a candidate, person, group, committee, political party, organization or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization or nonprofit corporation shall, if at the time of discovery of the violation:

(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.

(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.

(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.

5. A violation of any provision of this section is a gross misdemeanor.

6. As used in this section:

(a) "Foreign national" has the meaning ascribed to it in 2 U.S.C. § 441e.

(b) "Knowingly" means that a candidate, person, group, committee, political party, organization or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 12.5. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. ~~[Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:~~

~~(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286.~~

~~2.]~~ Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or

after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; ~~and~~

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election. ~~and~~

~~3.~~ and

(e) January 15 of the following calendar year, for the period from 4 days before the general city election through the December 31 immediately following the general city election.

2. Except as otherwise provided in NRS 294A.3733, every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Twenty-one days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 25 days before the primary city election;

(b) Four days before the primary city election for that office, for the period from 24 days before the primary city election through 5 days before the primary city election;

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; ~~and~~

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election. ~~and~~

~~4.~~ and

(e) January 15 of the following calendar year, for the period from 4 days before the general city election through the December 31 immediately following the general city election.

3. Except as otherwise provided in subsection ~~(5.)~~ 4., every candidate for city office at a special election shall so file those reports:

(a) Seven days before the beginning of early voting by personal appearance for the special election, for the period from the candidate's

nomination through 12 days before the beginning of early voting by personal appearance for the special election; and

(b) Thirty days after the special election, for the remaining period through the special election.

~~§ 4.~~ 4. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Sec. 13. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures 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 of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each 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 expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. *Each report of campaign expenses required pursuant to section ~~§ 6~~ of this act must consist of a list of each campaign expense in excess of ~~\$1,000~~ \$2,000 and a list of all campaign expenses incurred during a reporting period which are payments to one recipient and cumulatively exceed \$2,000. The list in each report must state the category and amount of the campaign expense and the date on which the campaign expense was incurred.*

3. The categories of expense or expenditure for use on the report of 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; ~~and~~

(l) Amounts disposed of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286; and

(m) Other miscellaneous expenses.

~~{3-}~~ 4. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection ~~{3}~~ 2 of NRS 294A.160 or subsection 4 of NRS 294A.286.

Sec. 14. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design forms to be used for all reports ~~[of campaign contributions and expenses or expenditures]~~ that are required to be filed pursuant to ~~[NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and sections 5 and 6 of this act, reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286] [-] and reports of account balances required to be filed pursuant to section 4 of this act.] this chapter.~~

2. The forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. The Secretary of State shall make available to each candidate, person, committee or political party that is required to file a report described in subsection 1:

(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, committee or political party is required to submit the report electronically to the Secretary of State, access through a secure website to the form.

4. If the candidate, person, 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 form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

5. The Secretary of State must obtain the advice and consent of the Legislative Commission before making a copy of, or access to, a form designed or revised by the Secretary of State pursuant to this section available to a candidate, person, committee or political party.

Sec. 15. NRS 294A.390 is hereby amended to read as follows:

294A.390 1. The officer from whom a candidate or entity requests a form for:

~~{1-}~~ (a) A declaration of candidacy;

~~{2-}~~ (b) An acceptance of candidacy;

~~{3-}~~ (c) The registration of 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-}~~ (d) 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.

2. An explanation of the applicable provisions of :

(a) *Section 4 of this act relating to the reporting of the balance in the separate account required by NRS 294A.130 and the penalties for a violation of those provisions as set forth in NRS 294A.420;*

(b) NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 *and sections 5 ~~and 6~~ to 6.7, inclusive, of this act* relating to the making, accepting or reporting of campaign contributions, 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}~~

(c) 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. 16. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.286, 294A.360 and 294A.362, *and sections 6.3 and 6.7 of this act*, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of \$100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of \$100.

4. The expenditures exceeding \$100 made by a:

(a) Person on behalf of a candidate other than the person.

(b) Group of persons advocating the election or defeat of a candidate.

(c) Committee for the recall of a public officer.

5. The contributions in excess of \$100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not *coordinated with or* solicited or approved by the candidate or group.

(b) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

6. The total contributions received by and expenditures made from a legal defense fund.

Sec. 17. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person, committee or entity 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, 294A.286 or 294A.360 or ~~sections~~ *section 4, 5, ~~for~~ 6, 6.3 or 6.7 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 person, committee or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court. *On application by the Secretary of State, the First Judicial District Court may issue an injunction or grant other equitable relief appropriate to ensure compliance with, or enforce, the provisions of this chapter.*

2. Except as otherwise provided in this section, a person, committee or entity that violates an applicable provision of this chapter is subject, *for each violation*, to a civil penalty of not more than ~~[\$5,000 for each violation]~~ *an amount equal to the greater of:*

(a) *Five thousand dollars; or*

(b) *Three times the amount at issue in the civil action,*

➡ 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 person, committee or entity has reported its contributions, expenses or 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. If the Secretary of State waives a civil penalty pursuant to this subsection, 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.

Sec. 18. NRS 218H.050 is hereby amended to read as follows:

218H.050 "Expenditure" means any advance, conveyance, *gift*, deposit, distribution, transfer of funds, loan, payment, pledge or subscription of money or anything of value, including cost of entertainment, except the payment of a membership fee otherwise exempted pursuant to NRS 218H.400, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make any expenditure while the Legislature is in a regular or special session.

Sec. 19. NRS 218H.060 is hereby amended to read as follows:

218H.060 ~~{1.}~~ "Gift" ~~{means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.~~

~~2. "Gift" does not include:~~

~~(a) A political contribution of money or services related to a political campaign;~~

~~(b) A commercially reasonable loan made in the ordinary course of business;~~

~~(c) The cost of entertainment, including the cost of food or beverages; or~~

~~(d) Anything of value received from:~~

~~(1) A member of the recipient's immediate family; or~~

~~(2) A relative of the recipient or relative of the recipient's spouse within the third degree of consanguinity or from the spouse of any such relative.]~~
has the meaning ascribed to it in section 26 of this act.

Sec. 20. NRS 218H.400 is hereby amended to read as follows:

218H.400 1. Each registrant shall file with the Director:

(a) Within 30 days after the close of a regular or special session, a final report signed under penalty of perjury concerning the registrant's lobbying activities; and

(b) Between the 1st and 10th day of the month after each month that the Legislature is in a regular or special session, a report concerning the registrant's lobbying activities during the previous month, whether or not any expenditures were made.

2. *The Director shall forward to the Secretary of State each report filed with the Director pursuant to subsection 1 not later than 7 days after receiving the report.*

3. Each report must:

(a) Be on a form prescribed by the Director; and
(b) Include the total of all expenditures, if any, made by the registrant on behalf of a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant.

~~{3.}~~ 4. Except as otherwise provided in subsection ~~{6.}~~ 7, the report:

(a) Must identify each Legislator and each organization whose primary purpose is to provide support for Legislators of a particular political party and House on whose behalf expenditures were made;

(b) Must be itemized with respect to each such Legislator and organization; and

(c) Does not have to include any expenditure made on behalf of a person other than a Legislator or an organization whose primary purpose is to provide support for Legislators of a particular political party and House, unless the expenditure is made for the benefit of a Legislator or such an organization.

~~{4.}~~ 5. If expenditures made by or on behalf of a registrant during the previous month exceed \$50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the Legislative Commission, in the following categories:

(a) Entertainment;

(b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;

(c) Gifts and loans, including , *without limitation, gifts authorized pursuant to section 30 of this act and any other* money, services and anything of value provided to a Legislator, to an organization whose primary purpose is to provide support for Legislators of a particular political party and House, or to any other person for the benefit of a Legislator or such an organization; and

(d) Other expenditures directly associated with legislative action, not including personal expenditures for food, lodging and travel expenses or membership dues.

~~{5.}~~ 6. The Legislative Commission may authorize an audit or investigation by the Legislative Auditor that is proper and necessary to verify compliance with the provisions of this section. If the Legislative Commission authorizes such an audit or investigation:

(a) A lobbyist shall make available to the Legislative Auditor all books, accounts, claims, reports, vouchers and other records requested by the Legislative Auditor in connection with any such audit or investigation.

(b) The Legislative Auditor shall confine requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.

~~{6.}~~ 7. A report filed pursuant to this section must not itemize with respect to each Legislator an expenditure if the expenditure is the cost of a function to which every Legislator was invited. For the purposes of this subsection, "function" means a party, meal or other social event.

Sec. 21. NRS 218H.530 is hereby amended to read as follows:

218H.530 1. The Director shall:

(a) Make investigations on the Director's own initiative with respect to any irregularities which the Director discovers in the statements and reports filed and with respect to the failure of any person to file a required statement or report and shall make an investigation upon the written complaint of any person alleging a violation of any provision of this chapter.

(b) Report suspected violations of ~~law~~ :

(1) *Section 29 of this act to the Secretary of State; and*

(2) *Any other provision of law to the:*

~~{(1)}~~ (I) Legislative Commission; and

~~{(2)}~~ (II) Attorney General, who shall investigate and take any action necessary to carry out the provisions of this chapter.

2. If an investigation by the Director reveals a violation of any provision of this chapter by a lobbyist, *or if the Director is notified by the Secretary of State pursuant to subsection 5 of NRS 281.581 that a civil penalty has been imposed against a lobbyist pursuant to subsection 2 of NRS 281.581*, the Director may suspend the lobbyist's registration for a specified period or revoke the lobbyist's registration. The Director shall cause notice of such action to be given to each person who employs or uses the lobbyist.

3. A lobbyist whose registration is suspended or revoked by the Director may:

(a) Request a hearing on the matter before the Director;

(b) Appeal to the Legislative Commission from any adverse decision of the Director; and

(c) If the lobbyist's registration is suspended, renew the lobbyist's registration if the Legislature is still in a regular or special session following the period of suspension.

4. A lobbyist whose registration is revoked may, with the consent of the Director, renew the lobbyist's registration if the lobbyist:

(a) Files a registration statement in the form required by NRS 218H.200;

(b) Pays any fee for late filing owed pursuant to NRS 218H.410, plus the fee for registration prescribed by the Legislative Commission; and

(c) If the revocation occurred because of the lobbyist's failure to file an activity report, files that report.

Sec. 22. NRS 218H.930 is hereby amended to read as follows:

218H.930 1. A lobbyist shall not knowingly or willfully make any false statement or misrepresentation of facts:

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in his or her official actions.

(b) In a registration statement or report concerning lobbying activities filed with the Director.

2. A lobbyist shall not give to a member of the ~~[Legislative Branch]~~ Legislature or a ~~[member of his or her staff or immediate family]~~ person related to the member within the third degree of consanguinity or affinity any gift in violation of section 29 of this act. A member of the Legislature or a person related to the member within the third degree of consanguinity or affinity shall not solicit or accept any such gift.

3. A lobbyist shall not give to any member of the Legislative Branch, other than a member of the Legislature, gifts that exceed \$100 in value in the aggregate in any calendar year.

~~{3.} A member of the Legislative Branch [or a member of his or her staff or immediate family] shall not solicit anything of value from a registrant or accept any gift that exceeds \$100 in aggregate value in any calendar year.},~~ other than a member of the Legislature, shall not solicit or accept gifts from a lobbyist that exceed \$100 in value in the aggregate in any calendar year.

4. A person who employs or uses a lobbyist shall not make that lobbyist's compensation or reimbursement contingent in any manner upon the outcome of any legislative action.

5. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist without being registered as required by that section.

6. Except as otherwise provided in subsection 7, a member of the Legislative or Executive Branch of the State Government and an elected officer or employee of a political subdivision shall not receive compensation or reimbursement other than from the State or the political subdivision for personally engaging in lobbying.

7. An elected officer or employee of a political subdivision may receive compensation or reimbursement from any organization whose membership consists of elected or appointed public officers.

8. A lobbyist shall not instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition to that legislation.

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor or the Governor-elect during the period beginning:

(a) Thirty days before a regular session and ending 30 days after the final adjournment of a regular session;

(b) Fifteen days before a special session is set to commence and ending 15 days after the final adjournment of a special session, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or

(c) The day after the Governor issues a proclamation calling for a special session and ending 15 days after the final adjournment of a special session if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.

Sec. 23. Chapter 281 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 33, inclusive, of this act.

Sec. 24. *As used in NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 281.558 and sections 25 to 28, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 25. *"Contribution" has the meaning ascribed to it in NRS 294A.007.*

Sec. 26. 1. *"Gift" means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.*

2. *"Gift" does not include:*

(a) *A contribution;*

(b) *A commercially reasonable loan made in the ordinary course of business; or*

(c) *Anything of value received from:*

(1) *A member of the recipient's immediate family; or*

(2) *A relative of the recipient or relative of the recipient's spouse within the third degree of consanguinity or affinity or from the spouse of any such relative.*

Sec. 27. 1. *"Lobbyist" means a person who communicates directly with a public officer or candidate on behalf of someone other than himself or herself to influence legislative or executive action, whether or not any compensation is received for the communication.*

2. *The term includes, without limitation, a person who is required to file a registration statement with the Director of the Legislative Counsel Bureau pursuant to NRS 218H.200.*

Sec. 28. *"Restricted donor" means any person who:*

1. *Is, or is seeking to be, a party to a contract with a body of which a public officer is a member ~~for~~ or to which a candidate is seeking election;*

2. *Is or may be, or is the agent of a person who is or may be, materially or financially affected by the performance or nonperformance of ~~an~~ :*

(a) *An official duty of ~~the~~ a public officer ; or*

(b) *An official duty of a public office for which a candidate is seeking election,*

in a manner that is distinguishable from the effect on the general public of the performance or nonperformance of the duty;

3. *Is, or is the agent of a person who is, the subject of or a party to a matter pending before ~~the~~ a body of which ~~the~~ a public officer is a member ~~for~~ or to which a candidate is seeking election; or*

4. *Is a lobbyist or a client of a lobbyist.*

Sec. 29. 1. *Except as otherwise provided in subsection 2 and section 30 of this act:*

(a) *A public officer, a candidate or a person related to a public officer or candidate within the third degree of consanguinity or affinity shall not accept or solicit a gift, directly or indirectly, from a restricted donor.*

(b) *A restricted donor shall not give or offer to give a gift, directly or indirectly, to a public officer, a candidate or a person related to ~~the~~ a public officer or candidate within the third degree of consanguinity or affinity.*

2. *A public officer, a candidate or a person related to a public officer or candidate within the third degree of consanguinity or affinity may accept a gift other than a gift described in section 30 of this act from a restricted donor if the public officer, candidate or person related to the public officer ~~the~~ or candidate, not later than 30 days after receiving the gift, donates the gift or, if the nature of the gift is such that it cannot be donated after it has been accepted, donates an amount equal to the value of the gift:*

(a) *To any tax-exempt nonprofit entity; or*

(b) *To any governmental entity or fund of this State or a political subdivision of this State.*

Sec. 30. *The giving or receiving of any of the following items or services does not violate the provisions of section 29 of this act:*

1. *Any gift from a restricted donor who is related to ~~the~~ a public officer, a candidate or a person related to ~~the~~ a public officer or candidate within the third degree of consanguinity or affinity, unless the restricted donor is acting as an agent or intermediary for another restricted donor who is not related to the recipient within the third degree of consanguinity or affinity.*

2. *Materials in any written, audio, visual or digital format that provide information relating to the official duties or functions of the public officer.*

3. *Any item available or distributed free of charge to members of the general public.*

4. *Any item from a bona fide charitable, professional, educational or business organization if:*

(a) *The public officer, the candidate or a person related to the public officer or candidate within the third degree of consanguinity or affinity, as applicable, pays dues to be a member of the organization;*

(b) *The amount of the dues paid by the public officer, the candidate or a person related to the public officer or candidate is not inconsequential compared with the value of the item received; and*

(c) *The items are given to all members of the organization without regard to the status of or position held by any member outside of the organization.*

5. *~~Reimbursement~~ Provision of food, beverages, registration fees, travel and lodging to the public officer, the candidate or a person related to the public officer or candidate within the third degree of consanguinity or affinity, or reimbursement for any actual expenses for food, beverages,*

registration fees, travel and lodging paid by the public officer , the candidate or a person related to the public officer or candidate within the third degree of consanguinity or affinity, for attendance or participation at a meeting, panel discussion or other speaking engagement, including, without limitation, a meeting, panel discussion or speaking engagement with an educational component, if the expenses are incurred on a day during which the public officer or candidate participates at the meeting, panel discussion or speaking engagement or during which the public officer travels to or from the meeting, panel discussion or speaking engagement.

6. A plaque or other similar commemorative item of de minimis resale value which is provided as recognition for public service.

7. Food or beverages provided at a meal or reception that is part of an event or program ~~that~~ :

(a) To raise money for or otherwise support an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3); or

(b) At which the public officer , the candidate or a person related to the public officer or candidate within the third degree of consanguinity or affinity is being recognized for public service, if the primary purpose of the event or program is to recognize persons for public service.

8. A nonmonetary item or service with a value of less than \$3, if the public officer , the candidate or a person related to the public officer or candidate within the third degree of consanguinity or affinity does not accept more than one such item or service per calendar day from a restricted donor. For the purposes of this subsection, the value of an item or service is the value of the item or service provided, regardless of the number of restricted donors who contribute to the cost of the item or service.

9. If the body of which the public officer is a member belongs to a state, regional or national organization of governmental agencies, an item or service accepted or solicited by:

(a) The organization as part of a conference, seminar or other meeting held for business or educational purposes; or

(b) The public officer at a scheduled event that is organized or sponsored by the organization, if the item or service is offered to every person who attends the event.

10. If the public officer belongs to a state, regional or national organization of public officers, an item or service accepted or solicited by:

(a) The organization as part of a conference, seminar or other meeting held for business or educational purposes; or

(b) The public officer at a scheduled event that is organized or sponsored by the organization, if the item or service is offered to every person who attends the event.

11. Funeral flowers or memorials ~~, provided to a church or nonprofit organization.~~

12. Any gift for a wedding or wedding anniversary.

13. *Salary or reimbursement of expenses, paid by the employer of the public officer or the candidate, or by any firm, partnership, association or corporation of which the public officer or candidate is a member or partner, for any actual expenses for food, beverages, travel and lodging paid by the public officer or candidate to attend a meeting or conference, if the public officer or candidate is not entitled to receive a salary or the per diem allowance and travel expenses provided for state officers and employees generally for attending the meeting.*

14. *Gifts of, or reimbursement of actual expenses for, food, beverages, travel and lodging if:*

(a) The public officer is representing the body of which the public officer is a member in a delegation whose sole purpose is to:

(1) Attract a specific business to this State;

(2) Encourage a business already existing in this State to expand or retain operations in this State; or

(3) Develop markets for businesses based in this State or services or goods produced in this State;

(b) The public officer plays a significant role in a presentation to a business being contacted by the delegation; and

(c) The restricted donor providing the gift or reimbursement is not an employee, agent or owner of a business being contacted by the delegation, except that a restricted donor who is an employee, agent or owner of a business being contacted by the delegation may provide a gift of food or beverage to the public officer.

15. *An item of de minimis resale value given by a resident of a country other than the United States if the item is given as part of a ceremonial presentation or the giving of the item is customary in that country.*

16. *Reimbursement for registration fees for a conference or meeting, the purpose of which is to provide information that assists the public officer in the performance of his or her public duties. As used in this subsection, "conference or meeting" does not include a conference or meeting attended by the public officer for personal reasons or for reasons relating to any professional license held by the public officer.*

17. *A gift which the public officer is required to receive on behalf of the body of which the public officer is a member as a duty or function of the office held by the public officer.*

18. *If the public officer is a member of the Legislature, food, beverages and entertainment provided at an event or program:*

(a) Which takes place during a regular or special session of the Legislature; and

(b) To which every member of the Legislature has been invited.

Sec. 31. 1. *If it appears that the provisions of NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act have been violated as described in subsection 2, the Secretary of State may:*

(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court pursuant to NRS 281.581; or

(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.

2. The Secretary of State may take action as described in subsection 1 if it appears that:

(a) A candidate for public office or a public officer:

(1) Has willfully failed to file a statement of financial disclosure;

(2) Has willfully failed to file a statement of financial disclosure in a timely manner pursuant to NRS 281.559, 281.561 or 281.572; or

(3) Has willfully included inaccurate information or failed to include complete information in a statement of financial disclosure;

(b) A public officer, a candidate or a person related to ~~the~~ a public officer or candidate within the third degree of consanguinity or affinity has accepted or solicited a gift in violation of section 29 of this act; or

(c) A restricted donor has given or offered a gift in violation of section 29 of this act.

3. A person who believes that a violation as described in subsection 2 has occurred may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include:

(a) The full name and address of the person alleging the violation;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;

(c) Any evidence substantiating the alleged violation;

(d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and

(e) Any other information in support of the alleged violation.

4. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 3, the Secretary of State shall provide a copy of the notice and any accompanying information to the person, if any, alleged in the notice to have committed the violation. Any response submitted to the notice must be accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.

5. If the Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 3, that reasonable suspicion exists that a violation of this chapter has occurred, the Secretary of State may conduct an investigation of the alleged violation.

6. If a notice of an alleged violation is received pursuant to subsection 3 not later than 180 days after the date the violation is alleged to have taken

place, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 5, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:

- (a) Any person alleged in the notice to have committed the violation; or
- (b) If the notice does not include the name of a person alleged to have committed the violation, any person whom the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice.

7. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 6, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:

- (a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or
- (b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.

Sec. 32. Nothing in the provisions of NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act shall be construed to authorize a public officer to accept or solicit a gift in violation of the provisions of NRS 281A.400.

Sec. 33. The Secretary of State may adopt regulations necessary to carry out the provisions of NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act.

Sec. 34. NRS 281.558 is hereby amended to read as follows:

281.558 ~~[As used in NRS 281.558 to 281.581, inclusive, "candidate"]~~
"Candidate" means any person:

- 1. Who files a declaration of candidacy;
- 2. Who files an acceptance of candidacy; or
- 3. Whose name appears on an official ballot at any election.

Sec. 35. NRS 281.571 is hereby amended to read as follows:

281.571 1. Statements of financial disclosure, as approved pursuant to NRS 281A.470 or in such electronic form as the Secretary of State otherwise prescribes, must contain the following information concerning the candidate for public office or public officer:

- (a) The candidate's or public officer's length of residence in the State of Nevada and the district in which the candidate for public office or public officer is registered to vote.

(b) Each source of the candidate's or public officer's income, or that of any member of the candidate's or public officer's household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.

(c) A list of the specific location and particular use of real estate, other than a personal residence:

(1) In which the candidate for public office or public officer or a member of the candidate's or public officer's household has a legal or beneficial interest;

(2) Whose fair market value is \$2,500 or more; and

(3) That is located in this State or an adjacent state.

(d) The name of each creditor to whom the candidate for public office or public officer or a member of the candidate's or public officer's household owes \$5,000 or more, except for:

(1) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and

(2) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

(e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of \$200 from a *restricted* donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift. ~~[- except:~~

~~(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.~~

~~(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.]~~

(f) A list of each business entity with which the candidate for public office or public officer or a member of the candidate's or public officer's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

(g) A list of all public offices presently held by the candidate for public office or public officer for which this statement of financial disclosure is required.

2. ~~[The Secretary of State may adopt regulations necessary to carry out the provisions of this section.~~

~~3.]~~ As used in this section, "member of the candidate's or public officer's household" includes:

(a) The spouse of the candidate for public office or public officer;

(b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and

(c) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.

Sec. 36. NRS 281.581 is hereby amended to read as follows:

281.581 1. If the Secretary of State receives information that a ~~[candidate for public office or public officer willfully fails to file a statement of financial disclosure or willfully fails to file a statement of financial disclosure in a timely manner pursuant to NRS 281.559, 281.561 or 281.572,]~~ violation of NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act has occurred, the Secretary of State may, after giving notice to ~~[that]~~ the person or entity ~~[]~~ alleged to have committed the violation, cause the appropriate proceedings to be instituted in the First Judicial District Court. *On application by the Secretary of State, the First Judicial District Court may issue an injunction or grant other equitable relief appropriate to ensure compliance with, or enforce, any applicable provision of NRS 281.558 to 281.581, inclusive, and sections 24 to 33, inclusive, of this act.*

2. Except as otherwise provided in this section, a candidate for public office, ~~[or]~~ public officer or restricted donor who ~~[willfully fails to file a statement of financial disclosure or willfully fails to file a statement of financial disclosure in a timely manner pursuant to NRS 281.559, 281.561 or 281.572]~~ commits a violation described in section 29 of this act is subject, for each violation, to a civil penalty ~~[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.]~~ of not more than an amount equal to the greater of:

(a) Five thousand dollars; or

(b) Three times the amount at issue in the civil action.

3. A candidate for public office or a public officer who willfully fails to file a statement of financial disclosure or willfully fails to file a statement of financial disclosure in a timely manner pursuant to NRS 281.559, 281.561 or 281.572 is subject to a civil penalty as provided in this subsection. The amount of the civil penalty is:

(a) If the statement is filed not more than 10 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$25.

(b) If the statement is filed more than 10 days but not more than 20 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$50.

(c) If the statement is filed more than 20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$100.

(d) If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$250.

(e) If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.559, subsection 1 of NRS 281.561 or NRS 281.572, \$2,000.

4. *A civil penalty imposed pursuant to this section 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 must be deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer. A person who is subject to a civil penalty pursuant to this section is also subject to the payment of court costs and attorney's fees.*

5. *If a civil penalty is imposed pursuant to subsection 2 against a lobbyist who is required to file a registration statement with the Director of the Legislative Counsel Bureau pursuant to NRS 218H.200, the Secretary of State shall immediately notify the Director of the Legislative Counsel Bureau.*

6. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, 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.

~~{5.}~~ 7. As used in this section, "willfully" means intentionally and knowingly.

Sec. 36.5. 1. The provisions of section 4 of this act apply only prospectively.

2. Notwithstanding the provisions of subsection 1 of section 4 of this act, for the purpose of the report required by section 4 of this act, the balance in an account opened before January 1, 2014, by a candidate pursuant to NRS 294A.130 shall be deemed to be \$0 on January 1, 2014.

Sec. 37. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2014, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Thank you, Mr. President. Amendment No. 329 to Senate Bill No. 49 relates to campaign finance reporting. The amendment: (1) makes changes to restrictions placed on personal use of campaign funds; (2) clarifies reporting of ending fund balances; (3) increases the threshold for reporting contributions and makes other changes to reporting requirements; (4) clarifies that expenditures include advertising on the Internet; (5) adds to the reports a new category of

expenses incurred in connection with holding office; (6) moves reporting periods during nonelection years to a quarterly system; (7) applies certain provisions to candidates as well as public officers; and (8) makes changes relating to the reporting of gifts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 82.

Bill read second time.

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

Amendment No. 304.

"SUMMARY—~~[Prohibits]~~ Urges the Board of Wildlife Commissioners ~~[from authorizing]~~ to review the hunting of black bears. (BDR ~~[45-409])~~ S-409)"

"AN ACT relating to wildlife; ~~[classifying a black bear as a protected mammal; prohibiting]~~ urging the Board of Wildlife Commissioners ~~[from authorizing]~~ to thoroughly and scientifically review the hunting of black bears; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~{ Existing law requires the Board of Wildlife Commissioners to classify by regulation each species of wildlife within this State as a wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean. Each species must be further classified as protected or unprotected. Any species of wildlife that is classified as protected may be designated as sensitive, threatened or endangered. If it is in the public interest to do so, the Commission may place a species of wildlife within another classification. (NRS 501.110) There is no open season on a species of wildlife which is classified as protected. (NRS 501.065) Section 1 of this bill specifically classifies a black bear as a protected mammal. }~~

Existing law: (1) requires the ~~[Commission]~~ Board of Wildlife Commissioners to adopt regulations establishing seasons for hunting game mammals and the manner and means of taking wildlife; and (2) authorizes the Commission to adopt regulations setting forth the species of wildlife which may be hunted or trapped without a license or permit. (NRS 501.181, 502.010) ~~[Sections 2 and 7]~~ Section 11.7 of this bill ~~[prohibit]~~ urges the Commission ~~[from authorizing]~~ to thoroughly and scientifically review the hunting of black bears. ~~[for adopting regulations authorizing the hunting of black bears without a license or permit.]~~

WHEREAS, Wildlife belongs to the people of the State of Nevada under NRS 501.100, and black bears are considered a big game mammal pursuant to NAC 502.020; and

WHEREAS, Pursuant to NRS 501.102, the Nevada Legislature has declared that hunting is a valuable activity in the management of game mammals and game birds, results in financial support for conservation programs that benefit many species, including nongame wildlife, is an

excellent source of food, recreational opportunities and employment, contributes significantly to the economy of this State and the quality of life of its citizens, and provides a beneficial use for firearms, archery equipment and other legal weapons used to take game mammals and game birds, following the pioneer spirit of Nevada; and

WHEREAS, As set forth in NRS 501.100, the preservation, protection, management and restoration of wildlife within this State contribute immeasurably to the aesthetic, recreational and economic aspects of the natural resources belonging to the people of the State of Nevada; and

WHEREAS, Outdoor recreation is a major feature of life in Nevada, and the majority of the State of Nevada is in public ownership through the Federal Government, which manages over 60 million acres, or about 86 percent of the total land area of the State of Nevada; and

WHEREAS, In February 2011, the Board of Wildlife Commissioners approved the first black bear hunt in Nevada history; and

WHEREAS, As part of this approval, the Board adopted and the Nevada Legislature approved temporary regulations setting forth parameters under which the black bear hunt would operate, including a bear hunting season beginning on the third Saturday of August 2011 and ending on the last Saturday of December 2011 or until the harvest quota was achieved; and

WHEREAS, Before the 2012 bear hunting season, the Board of Wildlife Commissioners, with the Nevada Legislature approving, amended the administrative regulations to close bear hunting in portions of the Lake Tahoe Basin and the Carson Range, leaving bear hunting open in other areas of western Nevada; and

WHEREAS, A total of 1,156 applications for bear hunting tags were received by the Department of Wildlife for the 2011 bear hunting season and 1,762 applications were received for the 2012 bear hunting season, with 45 tags issued each year; and

WHEREAS, The 2011 black bear hunt resulted in the taking of 14 bears, and the 2012 bear hunt resulted in the harvest of 11 bears; and

WHEREAS, Proponents and opponents of the black bear hunt have continuously registered their opinions relating to the bear hunt to the Department of Wildlife, the Board of Wildlife Commissioners and Nevada lawmakers; and

WHEREAS, Some Native American tribes in Nevada have expressed concerns regarding potential interference with certain traditional ceremonies and activities, such as the annual pine nut harvest in black bear habitats in the Pine Nut and Sweetwater Mountains and the Wassuk Range, because the bear hunt takes place at the same time, and in the same places, as these traditional ceremonies and activities; and

WHEREAS, Opponents of the bear hunt in Nevada have declared that the black bear hunt is not scientifically sustainable and conflicts with nonlethal priorities of bear management and conservation, the interests and concerns of the majority of Nevadans, including Nevada Native American tribes, and the

various nonconsumptive forms of outdoor recreation, including hiking and camping; and

WHEREAS, Proponents of the black bear hunt have stated that the bear hunt is scientifically sound and part of a viable and proven wildlife management approach, that hunting is the preferred means by which to manage wildlife and that a vast majority of Nevada sportsmen and sportswomen support bear hunting if it is done properly and ethically; and

WHEREAS, Scientists from the Department of Wildlife and scientists representing opponents of the bear hunt have arrived at different conclusions relating to Nevada's black bear population, the scope and range of black bear habitat in Nevada and the genetic diversity of black bears; and

WHEREAS, The Board of Wildlife Commissioners has made a public commitment to review the black bear hunt following its third season and the Department of Wildlife's Black Bear Management Plan for 2012 further commits to a 3-year scientific analysis of the black bear hunt, including a review of black bear survival, mortality rates and population trends, with the goal of achieving and maintaining healthy and productive black bear populations; now, therefore,

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

Section 1. ~~NRS 501.110 is hereby amended to read as follows:~~

~~501.110 1. For the purposes of this title, wildlife must be classified as follows:~~

~~(a) Wild mammals, which must be further classified as either game mammals, fur bearing mammals, protected mammals or unprotected mammals.~~

~~(b) Wild birds, which must be further classified as either game birds, protected birds or unprotected birds. Game birds must be further classified as upland game birds or migratory game birds.~~

~~(c) Fish, which must be further classified as either game fish, protected fish or unprotected fish.~~

~~(d) Reptiles, which must be further classified as either protected reptiles or unprotected reptiles.~~

~~(e) Amphibians, which must be further classified as either game amphibians, protected amphibians or unprotected amphibians.~~

~~(f) Mollusks, which must be further classified as either protected mollusks or unprotected mollusks.~~

~~(g) Crustaceans, which must be further classified as either protected crustaceans or unprotected crustaceans.~~

~~2. Protected wildlife may be further classified as either sensitive, threatened or endangered.~~

~~3. [Each] Except as otherwise provided in subsection 4, each species of wildlife must be placed in a classification by regulation of the Commission and, when it is in the public interest to do so, species may be moved from one classification to another.~~

~~4. *A black bear is a protected mammal.* (Deleted by amendment.)~~

Sec. 2. ~~[NRS 501.181 is hereby amended to read as follows:~~

~~501.181 1. The Commission shall:~~

~~[1.] (a) Establish broad policies for:~~

~~[(a)] (1) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.~~

~~[(b)] (2) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.~~

~~[(c)] (3) The promotion of uniformity of laws relating to policy matters.~~

~~[2.] (b) Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies:~~

~~[3.] (c) Establish policies for areas of interest including:~~

~~[(a)] (1) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.~~

~~[(b)] (2) The control of wildlife depredations.~~

~~[(c)] (3) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.~~

~~[(d)] (4) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.~~

~~[(e)] (5) The control of nonresident hunters.~~

~~[(f)] (6) The introduction, transplanting or exporting of wildlife.~~

~~[(g)] (7) Cooperation with federal, state and local agencies on wildlife and boating programs.~~

~~[(h)] (8) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.~~

~~[4.] (d) Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:~~

~~[(a) Seasons]~~

~~(1) Except as otherwise provided in subsection 2, seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the Department, the county advisory boards to manage wildlife and others who wish to~~

~~present their views at an open meeting. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.~~

~~[(b)] (2) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.~~

~~[(c)] (3) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.~~

~~[(d)] (4) The number of licenses issued for big game and, if necessary, other game species.~~

~~[5.] (e) Adopt regulations requiring the Department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.~~

~~[6.] (f) Adopt regulations:~~

~~[(a)] (1) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.~~

~~[(b)] (2) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.~~

~~[7.] (g) Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.~~

~~[8.] (h) Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.~~

~~2. The Commission shall not authorize the hunting of black bears.]~~
(Deleted by amendment.)

Sec. 3. ~~[NRS 501.356 is hereby amended to read as follows:~~

~~501.356 1. Money received by the Department from:~~

~~(a) The sale of licenses;~~

~~(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;~~

~~(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;~~

~~(d) Appropriations made by the Legislature; and~~

~~(e) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning and Conservation Fund created by NRS 701.630 or the Fund for the Recovery of Costs created by NRS 701.640;~~

~~1. must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund.~~

~~2. The interest and income earned on the money in the Wildlife Fund Account, after deducting any applicable charges, must be credited to the Account.~~

~~3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department may use money in the Wildlife Fund Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.~~

~~4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Fund Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:~~

~~(a) Only for the management of wildlife; and~~

~~(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to paragraph (b) of subsection [2] 1 of NRS 501.181.} (Deleted by amendment.)~~

Sec. 4. ~~{NRS 501.376 is hereby amended to read as follows:~~

~~501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope [,] or mountain lion : {or black bear:}~~

~~(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;~~

~~(b) Through the use of an aircraft or helicopter in violation of NRS 503.010;~~

~~(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;~~

~~(d) Knowingly during a time other than:~~

~~(1) The time of day set by the Commission for hunting that animal pursuant to NRS 503.140; or~~

~~(2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or~~

~~(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:~~

~~(1) Other than the person specified on the tag;~~

~~(2) Outside of the management area or other area specified on the tag;~~

~~or~~

~~(3) If the tag was obtained by a false or fraudulent representation.~~

~~2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:~~

~~(a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or~~

~~(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.~~

~~3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:~~

~~(a) The nature of the offense;~~

~~(b) The circumstances surrounding the offense;~~

~~(c) The defendant's understanding and appreciation of the gravity of the offense;~~

~~(d) The attitude of the defendant towards the offense; and~~

~~(e) The general objectives of sentencing.~~

~~4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.~~

~~5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor. (Deleted by amendment.)~~

Sec. 5. [NRS 501.3855 is hereby amended to read as follows:

~~501.3855 1. In addition to the penalties provided for the violation of any of the provisions of this title, every person who:~~

~~(a) Unlawfully kills or possesses a trophy big game mammal is liable for a civil penalty of not less than \$5,000 nor more than \$30,000; or~~

~~(b) Except as otherwise provided in paragraph (a), unlawfully kills or possesses a big game mammal, moose, bobcat, swan or eagle is liable for a civil penalty of not less than \$250 but less than \$5,000.~~

~~2. For the unlawful killing or possession of fish or wildlife not included in subsection 1, a person is liable for a civil penalty of not less than \$25 nor more than \$1,000.~~

~~3. For hunting, fishing or trapping without a valid license, tag or permit, a person is liable for a civil penalty of not less than \$50 nor more than the amount of the fee for the license, tag or permit required for the activity in which the person engaged.~~

~~4. Every court, before whom a defendant is convicted of unlawfully killing or possessing any wildlife, shall order the defendant to pay the civil penalty in the amount stated in this section for each mammal, bird or fish unlawfully killed or possessed. The court shall fix the manner and time of payment.~~

~~5. The Department may attempt to collect all penalties and installments that are in default in any manner provided by law for the enforcement of a judgment.~~

~~6. If a person who is ordered to pay a civil penalty pursuant to this section fails to do so within 90 days after the date set forth in the order, the Department may suspend, revoke, or refuse to issue or renew any license, tag, permit, certificate or other document or privilege otherwise available to the person pursuant to this title or chapter 488 of NRS.~~

~~7. Each court that receives money pursuant to the provisions of this section shall forthwith remit the money to the Department which shall deposit the money with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund.~~

~~8. As used in this section, "trophy big game mammal" means a mule deer with an outside antler measurement of at least 24 inches, a bighorn sheep of any species with at least one horn exceeding a half curl, a Rocky Mountain elk with at least six antler points on one antler, a pronghorn antelope with at least one horn which is more than 14 inches in length [.] or a mountain goat [.] or a black bear. As used in this subsection:~~

~~(a) "Antler" means any bony growth originating from the pedicle portion of the skull of a big game mammal that is annually cast and regenerated as part of the annual life cycle of the big game mammal.~~

~~(b) "Antler point" means a projection which is at least 1 inch in length with the length exceeding the width of its base, excluding the first point on the main beam commonly known as the eye guard on mule deer.~~

~~(c) "Horn exceeding a half curl" means a horn tip that has grown at least through 180 degrees of a circle determined by establishing a parallel reference line from the base of the horn and measuring the horn tip to determine whether the horn tip has grown at least to the projection of the reference line.~~

~~(d) "Outside antler measurement" means the perpendicular measurement at right angles to the center line of the skull of a deer at the widest point between the main antler beams or the antler points off the main antler beams. (Deleted by amendment.)~~

~~Sec. 6. [NRS 501.388 is hereby amended to read as follows:~~

~~501.388 1. The Commission may, in addition to any suspension, revocation or other penalty imposed pursuant to any other provision of this title:~~

~~(a) Revoke any license of any person who is convicted of a violation of NRS 503.050, and may refuse to issue any new license to the convicted person for any period not to exceed 5 years after the date of the conviction; and~~

~~(b) Revoke any license of any person who is convicted of unlawfully killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope [.] or mountain lion [.] or black bear in violation of NRS 501.376, and may:~~

~~(1) Refuse to issue any new license to the convicted person for any period not to exceed 3 years; and~~

~~(2) Revoke that person's privilege to apply for any big game tag for a period not to exceed 10 years.~~

~~2. The court in which the conviction is had shall require the immediate surrender of all such licenses and shall forward them to the Commission.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 502.010 is hereby amended to read as follows:~~

~~502.010 1. A person who hunts or fishes any wildlife without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:~~

~~(a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.~~

~~(b) A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must not exceed 50 percent of the daily creel and possession limits as provided by law.~~

~~(c) Except as otherwise provided in subsection 5 or 6 of NRS 202.300 and NRS 502.066, it is unlawful for any child who is under 18 years of age to hunt any wildlife with any firearm, unless the child is accompanied at all times by the child's parent or guardian or is accompanied at all times by an adult person authorized by the child's parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.~~

~~(d) A child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada. This section does not prohibit any child from accompanying an adult licensed to hunt.~~

~~(e) The Commission may adopt regulations setting forth:~~

~~(1) [The] Except as otherwise provided in subsection 2 of NRS 501.181, the species of wildlife which may be hunted or trapped without a license or permit; or~~

~~(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.~~

~~(f) The Commission may declare 1 day per year as a day upon which persons may fish without a license to do so.~~

~~2. This section does not apply to the protection of persons or property from unprotected wildlife on or in the immediate vicinity of home or ranch premises.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 502.060 is hereby amended to read as follows:~~

~~502.060 1. A person applying for and procuring a license, tag or permit, as provided in this chapter, shall give to the license agent the person's name and residence address, which must be entered by the license agent, manually or electronically in a record specified by the Department, together with the date of issuance and a description of the person. If a child under the age of 18 years is applying for a license to hunt, the child's parent or legal guardian must sign the application and an attached statement acknowledging~~

~~that the parent or legal guardian has been advised of the provisions of NRS 41.472.~~

~~2. Except as otherwise provided in subsection 3, any person who makes any false statement or furnishes false information to obtain any license, tag or permit issued pursuant to the provisions of this title is guilty of a misdemeanor.~~

~~3. Any person who makes any false statement or furnishes false information to obtain any big game tag issued pursuant to the provisions of this title is guilty of a gross misdemeanor.~~

~~4. It is unlawful for any person to hunt, fish or trap using any hunting, fishing or trapping license which is invalid by reason of expiration or a false statement made to obtain the license.~~

~~5. Any person convicted of violating the provisions of subsection 2 or 3 forfeits any bonus point or other increased opportunity to be awarded a tag in a subsequent drawing conducted for that tag if the bonus point or other increased opportunity was acquired by the false statement or false information.~~

~~6. As used in this section, "big game tag" means a tag permitting a person to hunt any species of pronghorn antelope, [bear,] deer, mountain goat, mountain lion, bighorn sheep or elk.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 502.130 is hereby amended to read as follows:~~

~~502.130 1. In addition to the regular hunting licenses and trapping licenses provided for in this chapter, additional licenses, to be known as tags, are required to hunt any deer, elk, antelope [,] or mountain sheep. [or bear.]~~

~~2. Whenever it is determined by the Commission that it is necessary for correct management:~~

~~(a) Tags also may be required to hunt, trap or fish for any other species of wildlife. The Commission may limit the number of tags to be used in a management area.~~

~~(b) Permits and seals may be required to hunt, trap, fish or to possess any species of wildlife.~~

~~3. The Commission shall set the fee for all permits and seals issued pursuant to paragraph (b) of subsection 2.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 502.219 is hereby amended to read as follows:~~

~~502.219 1. A program is hereby established for the issuance of additional big game tags each year to be known as "Dream Tags." The program must provide:~~

~~(a) For the issuance of Dream Tags to either a resident or nonresident of this State;~~

~~(b) For the issuance of one Dream Tag for each species of big game for which 50 or more tags were available under the quota established for the species by the Commission during the previous year; and~~

~~(c) For the sale of Dream Tags to a nonprofit organization pursuant to this section.~~

~~2. The Department shall administer the program and shall take such actions as the Department determines are necessary to carry out the provisions of this section and NRS 502.222 and 502.225.~~

~~3. A nonprofit organization established through the Community Foundation of Western Nevada which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the preservation, protection, management or restoration of wildlife and its habitat may purchase such Dream Tags from the Department, at prices established by the Department, subject to the following conditions:~~

~~(a) The nonprofit organization must agree to award the Dream Tags by raffle, with unlimited chances to be sold for \$5 each to persons who purchase a resource enhancement stamp pursuant to NRS 502.222.~~

~~(b) The nonprofit organization must agree to enter into a contract with a private entity that is approved by the Department which requires that the private entity agree to act as the agent of the nonprofit organization to sell chances to win Dream Tags, conduct any required drawing for Dream Tags and issue Dream Tags. For the purposes of this paragraph, a private entity that has entered into a contract with the Department pursuant to NRS 502.175 to conduct a drawing and to award and issue tags or permits as established by the Commission shall be deemed to be approved by the Department.~~

~~(c) All money received by the nonprofit organization from the proceeds of the Dream Tag raffle, less the cost of the Dream Tags purchased by the nonprofit organization and any administrative costs charged by the Community Foundation of Western Nevada, must be used for the preservation, protection, management or restoration of game and its habitat, as determined by the Advisory Board on Dream Tags created by NRS 502.225.~~

~~4. All money received by the Department for Dream Tags pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund.~~

~~5. The nonprofit organization shall, on or before February 1 of each year, report to the Department and the Interim Finance Committee concerning the Dream Tag program, including, without limitation:~~

~~(a) The number of Dream Tags issued during the immediately preceding calendar year;~~

~~(b) The total amount of money paid to the Department for Dream Tags during the immediately preceding calendar year;~~

~~(c) The total amount of money received by the nonprofit organization from the proceeds of the Dream Tag raffle, the amount of such money expended by the nonprofit organization and a description of each project for which the money was spent; and~~

~~(d) Any recommendations concerning the program or necessary legislation.~~

~~6. As used in this section, "big game tag" means a tag permitting a person to hunt any species of pronghorn antelope, [bear,] deer, mountain goat, mountain lion, bighorn sheep or elk.] (Deleted by amendment.)~~

~~Sec. 11. [NRS 502.253 is hereby amended to read as follows:~~

~~502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of \$3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to:~~

~~(a) Programs for the management and control of injurious predatory wildlife;~~

~~(b) Wildlife management activities relating to the protection of nonpredatory game animals, sensitive wildlife species and related wildlife habitat;~~

~~(c) Conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and~~

~~(d) Programs for the education of the general public concerning the management and control of predatory wildlife.~~

~~2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.~~

~~3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission pursuant to *paragraph (b)* of subsection [2] of NRS 501.181.~~

~~4. The money in the Wildlife Fund Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.] (Deleted by amendment.)~~

Sec. 11.3. The Legislature hereby acknowledges the various perspectives on the hunting of black bears in Nevada.

Sec. 11.5. The Legislature hereby finds and declares that any hunting of black bears in Nevada should be predicated on sound scientific data that ensures a healthy, productive and viable black bear population and reduces the number of conflicts between bears and humans.

Sec. 11.7. The Nevada Legislature urges:

1. The proponents and opponents of the black bear hunt in Nevada to engage in productive and meaningful discussions with the goal of achieving a consensus on the proper management of Nevada's black bear population and which recognize and protect the rights of sportsmen and sportswomen, Native American tribes, conservationists and outdoor recreation enthusiasts in this State;

2. The continued management of black bears in Nevada by the Department of Wildlife in a way that conserves, sustains and protects the black bear population in a healthy and productive condition and minimizes threats to public safety and damage to personal property;

3. The Board of Wildlife Commissioners to thoroughly conduct its 3-year scientific review of the black bear hunt following the 2013 bear hunting season, with the goal of evaluating the overall impacts of three consecutive bear hunts and making an unbiased and informed recommendation concerning the viability of hunting black bears in Nevada; and

4. The Board of Wildlife Commissioners to submit this review to the Director of the Legislative Counsel Bureau for distribution to the Chair of the Senate Committee on Natural Resources and the Chair of the Assembly Committee on Natural Resources, Agriculture, and Mining.

Sec. 12. This act becomes effective upon passage and approval.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 304 to Senate Bill No. 82 deletes the bill in its entirety and instead replaces it with a number of “whereas” clauses that provide statistics regarding the bear hunt that was authorized in Nevada for 2011 and 2012. It includes statements referencing the positions of both the proponents and opponents of the original version of Senate Bill No. 82, and “acknowledges the various perspectives on the hunting of black bears in Nevada.” The amendment urges both sides “to engage in productive and meaningful discussions with the goal of achieving consensus on the proper management of Nevada’s black bear population.”

Finally, the amendment asks the Board of Wildlife Commissioners to submit its three-year scientific review of the bear hunt to the Nevada Legislature.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 133.

Bill read second time.

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

Amendment No. 157.

"SUMMARY—Requires the State Engineer to allow a county to participate in an advisory capacity in the development and implementation of a plan relating to the appropriation of water for beneficial use under certain circumstances. (BDR 48-631)"

"AN ACT relating to water; requiring the State Engineer to allow a county to participate in an advisory capacity in the development and implementation of a plan relating to the appropriation of water for beneficial use under certain circumstances; requiring the State Engineer to consider any comment, analysis or other information submitted by a participating county before approving the plan and during the period in which the plan, if approved, is carried out; and providing other matters properly relating thereto."

Legislative Counsel’s Digest:

The State Engineer, an appointee of the Director of the State Department of Conservation and Natural Resources, manages the appropriation of water in this State. (Title 48 of NRS) This bill requires the State Engineer to allow a county to participate in an advisory capacity in the development and implementation of a plan required by the State Engineer relating to the appropriation of water for beneficial use if the county where the ~~proposed~~ State Engineer has approved the point of diversion ~~lies~~ requests to participate. This bill also requires the State Engineer to consider any comment, analysis or other information submitted to the State Engineer by the county before approving the plan and during the period in which the plan, if approved, is carried out. Finally, this bill exempts from judicial review a decision by the State Engineer whether or not to include in the plan or to follow any comment, analysis or other information submitted by a participating county.

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

Section 1. Chapter 532 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~For~~ For each new application to appropriate water for a beneficial use filed on or after January 1, 2012, if the State Engineer requires a monitoring, management ~~for~~ and mitigation plan as a condition of appropriating water for a beneficial use, the State Engineer shall, within 30 days after requiring the plan and if requested by the county where the ~~proposed~~ State Engineer has approved the point of diversion, ~~lies~~ allow the county to participate in an advisory capacity in the development and implementation of the plan.

2. Before approving any plan developed pursuant to subsection 1 and during the period in which the plan, if approved, is carried out, the State Engineer shall consider any comment, analysis or other information submitted by the participating county. The State Engineer is not required to include any comment, analysis or other information submitted by a participating county in a monitoring, management and mitigation plan required pursuant to this section.

3. A decision by the State Engineer whether or not to include in the plan or to follow any comment, analysis or other information submitted by a participating county pursuant to this section is not subject to judicial review pursuant to NRS 533.450.

Sec. 2. NRS 533.450 is hereby amended to read as follows:

533.450 1. ~~Any~~ Except as otherwise provided in section 1 of this act, any person feeling aggrieved by any order or decision of the State Engineer, acting in person or through the assistants of the State Engineer or the water commissioner, affecting the person's interests, when the order or decision relates to the administration of determined rights or is made pursuant to NRS 533.270 to 533.445, inclusive, or NRS 533.481, 534.193, 535.200 or 536.200, may have the same reviewed by a proceeding for that purpose,

insofar as may be in the nature of an appeal, which must be initiated in the proper court of the county in which the matters affected or a portion thereof are situated, but on stream systems where a decree of court has been entered, the action must be initiated in the court that entered the decree. The order or decision of the State Engineer remains in full force and effect unless proceedings to review the same are commenced in the proper court within 30 days after the rendition of the order or decision in question and notice thereof is given to the State Engineer as provided in subsection 3.

2. The proceedings in every case must be heard by the court, and must be informal and summary, but full opportunity to be heard must be had before judgment is pronounced.

3. No such proceedings may be entertained unless notice thereof, containing a statement of the substance of the order or decision complained of, and of the manner in which the same injuriously affects the petitioner's interests, has been served upon the State Engineer, personally or by registered or certified mail, at the Office of the State Engineer at the State Capital within 30 days following the rendition of the order or decision in question. A similar notice must also be served personally or by registered or certified mail upon the person who may have been affected by the order or decision.

4. Where evidence has been filed with, or testimony taken before, the State Engineer, a transcribed copy thereof, or of any specific part of the same, duly certified as a true and correct transcript in the manner provided by law, must be received in evidence with the same effect as if the reporter were present and testified to the facts so certified. A copy of the transcript must be furnished on demand, at actual cost, to any person affected by the order or decision, and to all other persons on payment of a reasonable amount therefor, to be fixed by the State Engineer.

5. An order or decision of the State Engineer must not be stayed unless the petitioner files a written motion for a stay with the court and serves the motion personally or by registered or certified mail upon the State Engineer, the applicant or other real party in interest and each party of record within 10 days after the petitioner files the petition for judicial review. Any party may oppose the motion and the petitioner may reply to any such opposition. In determining whether to grant or deny the motion for a stay, the court shall consider:

(a) Whether any nonmoving party to the proceeding may incur any harm or hardship if the stay is granted;

(b) Whether the petitioner may incur any irreparable harm if the stay is denied;

(c) The likelihood of success of the petitioner on the merits; and

(d) Any potential harm to the members of the public if the stay is granted.

6. Except as otherwise provided in this subsection, the petitioner must file a bond in an amount determined by the court, with sureties satisfactory to the court and conditioned in the manner specified by the court. The bond

must be filed within 5 days after the court determines the amount of the bond pursuant to this subsection. If the petitioner fails to file the bond within that period, the stay is automatically denied. A bond must not be required for a public agency of this State or a political subdivision of this State.

7. Costs must be paid as in civil cases brought in the district court, except by the State Engineer or the State.

8. The practice in civil cases applies to the informal and summary character of such proceedings, as provided in this section.

9. Appeals may be taken to the Supreme Court from the judgment of the district court in the same manner as in other civil cases.

10. The decision of the State Engineer is prima facie correct, and the burden of proof is upon the party attacking the same.

11. Whenever it appears to the State Engineer that any litigation, whether now pending or hereafter brought, may adversely affect the rights of the public in water, the State Engineer shall request the Attorney General to appear and protect the interests of the State.

~~[Sec. 2.]~~ Sec. 3. This act becomes effective upon passage and approval.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Amendment No. 157 to Senate Bill No. 133 clarifies that a monitoring, management and mitigation plan, or “3M Plan” is indeed a single plan and it clarifies that a county’s participation in the “3M Plan,” as authorized in the bill, applies to an application for a new application to appropriate water after January 1, 2012.

The amendment provides that: (1) the State Engineer shall allow the county’s participation within 30 days after requiring the 3M Plan; (2) the point of diversion in question must have been an “approved” point of diversion; (3) a county’s involvement is in an advisory capacity and the State Engineer is not required to include a county’s comment or analysis in the 3M plan; and (4) specifies that a determination of the State Engineer to not include such comments or analysis shall not be considered a decision that is subject to judicial review.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 148.

Bill read second time.

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

Amendment No. 499.

"SUMMARY—Revises provisions governing the Pollution Control Account. (BDR 40-448)"

"AN ACT relating to air pollution; revising provisions governing the Pollution Control Account; and providing other matters properly relating thereto."

Legislative Counsel’s Digest:

Existing law establishes the Pollution Control Account, which is funded with certain fees collected from each authorized inspection station, authorized maintenance station, authorized station and fleet station. The

money in the Pollution Control Account is distributed quarterly to local governmental agencies in nonattainment or maintenance areas for certain air pollutants in an amount equal to one-sixth of the amount received for certain forms distributed in each county. The remaining money in the Pollution Control Account in excess of \$1,000,000 is awarded in grants to local governmental agencies in nonattainment or maintenance areas for certain air pollutants for programs related to the improvement of the quality of the air. (NRS 445B.830) This bill eliminates the program of grants and requires instead that the money in the Pollution Control Account be distributed quarterly to local air pollution control agencies in nonattainment or maintenance areas for certain air pollutants in an amount equal to one-sixth of the amount received for certain forms distributed in each county. This bill requires that the remaining money in the Pollution Control Account in excess of \$1,000,000 be distributed to local air pollution control agencies in nonattainment or maintenance areas for certain air pollutants for programs related to the improvement of the quality of the air in proportion to the number of certain forms issued in each county.

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

Section 1. NRS 445B.830 is hereby amended to read as follows:

445B.830 1. In areas of the State where and when a program is commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the following fees must be paid to the Department of Motor Vehicles and accounted for in the Pollution Control Account, which is hereby created in the State General Fund:

- (a) For the issuance and annual renewal of a license for an authorized inspection station, authorized maintenance station, authorized station or fleet station \$25
- (b) For each set of 25 forms certifying emission control compliance ... 150
- (c) For each form issued to a fleet station 6

2. Except as otherwise provided in ~~subsections~~ subsection 6, ~~and 7,~~ ~~and 8,~~ and after deduction of the amounts distributed pursuant to subsection 4, money in the Pollution Control Account may, pursuant to legislative appropriation or with the approval of the Interim Finance Committee, be expended by the following agencies in the following order of priority:

- (a) The Department of Motor Vehicles to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.
- (b) The State Department of Conservation and Natural Resources to carry out the provisions of this chapter.
- (c) The State Department of Agriculture to carry out the provisions of NRS 590.010 to 590.150, inclusive.
- (d) Local ~~governmental~~ *air pollution control* agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air.

(e) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.

3. The Department of Motor Vehicles may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including, without limitation, maximum charges for those fees, and for the posting of those fees in a conspicuous place at an authorized inspection station or authorized station.

4. The Department of Motor Vehicles shall make quarterly distributions of money in the Pollution Control Account to local ~~governmental~~ *air pollution control* agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408. The distributions of money made to agencies in a county pursuant to this subsection must be made from an amount of money in the Pollution Control Account that is equal to one-sixth of the amount received for each form issued in the county pursuant to subsection 1.

5. Each local ~~governmental~~ *air pollution control* agency that receives money pursuant to ~~subsection~~ *subsections 4 and 6* shall, not later than 45 days after the end of the fiscal year in which the money is received, submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee a report on the use of the money received.

6. The Department of Motor Vehicles shall ~~by regulation establish a program to award grants of~~ *make annual distributions of excess* money in the Pollution Control Account to local ~~governmental~~ *air pollution control* agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air. ~~The grants to agencies in a county pursuant to this subsection must be made from any excess money in the Pollution Control Account.~~ *The distributions of excess money made to local air pollution control agencies in a county pursuant to this subsection must be made in an amount proportionate to the number of forms issued in the county pursuant to subsection 1.* As used in this subsection, "excess money" means the money in excess of \$1,000,000 remaining in the Pollution Control Account at the end of the fiscal year, after deduction of the amounts distributed pursuant to subsection 4 and any disbursements made from the Account pursuant to subsection 2.

7. ~~Any regulations adopted pursuant to subsection 6 must~~ *The Department of Motor Vehicles shall* provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:

(a) ~~Review applications for grants and make recommendations for their approval, rejection or modification;~~

~~(b)~~ Establish goals and objectives for the program for control of emissions from motor vehicles;

~~(c)~~ (b) Identify areas where funding should be made available; and

~~[(d)]~~ (c) Review and make recommendations concerning regulations adopted pursuant to ~~[subsection 6 or]~~ NRS 445B.770.

~~[8. Grants proposed pursuant to subsections 6 and 7 must be submitted to the appropriate deputy director of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources. Proposed grants approved by the appropriate deputy director and the Administrator must not be awarded until approved by the Interim Finance Committee.]~~

Sec. 2. This act becomes effective on July 1, 2013.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 499 to Senate Bill No. 148 provides for a reporting to the Legislature of the excess money distributed to local air pollution control agencies as set forth in the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 210.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 83.

"SUMMARY—Revises provisions governing certain motor carriers. (BDR 949)"

"AN ACT relating to motor carriers; requiring persons who wish to be employed as drivers for certain motor carriers ~~[subject to the jurisdiction of the Nevada Transportation Authority]~~ to obtain a driver's permit issued by the Nevada Transportation Authority; imposing a fee for such a permit; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the regulation of certain motor carriers in this State by the Nevada Transportation Authority. (NRS 706.011-706.791) This bill requires a person who wishes to be employed or enter into a contract or lease as a driver for certain motor carriers ~~[subject to the jurisdiction of the Authority]~~ to obtain a driver's permit issued by the Authority. This bill also establishes the requirements and procedures to obtain such a permit.

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

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *A person shall not drive a charter bus, a motor vehicle for a fully regulated carrier of passengers or a taxicab motor carrier as an employee, independent contractor or lessee unless the person has been issued a driver's permit by the Authority pursuant to this section.*

2. The Authority shall issue a driver's permit to each applicant who satisfies the requirements of this section. Before issuing a driver's permit, the Authority shall:

(a) Require the applicant to submit a complete set of his or her fingerprints, which the Authority ~~may~~ shall forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and ~~shall~~ may further investigate the applicant's background; and

(b) Require proof that the applicant is employed or under a contract or lease agreement or has an offer of employment, a contract or a lease agreement that is contingent on the applicant obtaining a driver's permit pursuant to this section and:

(1) Has a valid license issued pursuant to NRS 483.340 which authorizes the applicant to drive in this State any motor vehicle that is within the scope of the employment, contract or lease; or

(2) If the driver is a resident of a state other than Nevada, has a valid license issued by the state in which he or she resides which authorizes the applicant to drive any motor vehicle that is within the scope of the employment, contract or lease.

3. The Authority may refuse to issue a driver's permit if ~~the~~ :

(a) The applicant has been convicted of:

~~(a)~~ (1) A felony, other than a sexual offense, in this State or any other jurisdiction within the 5 years immediately preceding the date of the application;

~~(b)~~ (2) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application; or

~~(c)~~ (3) A violation of NRS 484C.110 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct within the 3 years immediately preceding the date of the application.

(b) After further investigation into the applicant's background, if any, the Authority determines that:

(1) The applicant is morally unfit; or

(2) The issuance of the driver's permit would be detrimental to public health, welfare or safety.

4. A driver's permit issued pursuant to this section is valid ~~for~~

~~(a) If it is an original permit, for not longer than 1 year; or~~

~~(b) If it is a renewal permit, for not longer than 3 years,~~

~~but~~ but lapses if the driver ceases to be employed by the carrier identified in the application for the original or renewal permit or if the contract or lease expires and the driver enters into a contract or lease with a different carrier. A driver must notify the Authority within 10 days after the lapse of a permit and obtain a new permit pursuant to this section before driving for a different carrier.

5. An applicant shall pay to the Authority:

(a) A fee for the processing of fingerprints which is to be established by the Authority and which may not exceed the fee charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(b) For an original driver's permit, a fee not to exceed \$50. ~~f, and~~

~~(b)~~ *(c) For the renewal of a driver's permit, a fee not to exceed \$50.*

~~f 6. The provisions of this section:~~

~~(a) Apply to a person who is the lessee of a taxicab pursuant to a lease agreement as set forth in NRS 706.173.~~

~~(b) Do not apply to a driver who is employed by or under contract with:~~

~~(1) The owner or operator of a charter bus which is not a fully regulated carrier;~~

~~(2) A person or organization that provides a transportation service for persons with disabilities if the driver is certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS; or~~

~~(3) The owner or operator of any motor vehicle that is not subject to regulation by the Authority pursuant to this section and NRS 706.011 to 706.791, inclusive, and sections 3 and 4 of this act.]~~

Sec. 3. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a driver's permit pursuant to section 2 of this act shall:

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

(b) Submit to the Authority 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 Authority 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 driver's permit; or

(b) A separate form prescribed by the Authority.

3. A driver's permit may not be issued or renewed by the Authority 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 Authority 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. 4. 1. *If the Authority 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 driver's permit, the Authority shall deem the driver's permit 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 Authority receives a letter issued to the holder of the driver's permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the driver's permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. *The Authority shall reinstate a driver's permit that has been suspended by a district court pursuant to NRS 425.540 if the Authority receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose driver's permit was suspended stating that the person whose driver's permit was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

Sec. 5. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and sections 2, 3 and 4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, *and sections 2, 3 and 4 of this act* relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or

3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

Sec. 7. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, *and sections 2, 3 and 4 of this act* do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.

2. Any state or a political subdivision thereof.

Sec. 8. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, *and sections 2, 3 and 4 of this act* for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 9. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, *and sections 2, 3 and 4 of this act* do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 10. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2, 3 and 4 of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2, 3 and 4 of this act* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~};~~, *and sections 2, 3 and 4 of this act*;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~};~~, *and sections 2, 3 and 4 of this act*;

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the

provisions of NRS 706.011 to 706.861, inclusive ~~and~~, and sections 2, 3 and 4 of this act;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➔ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➔ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 11. 1. This act becomes effective:

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

(b) On ~~October 1, 2013,~~ January 1, 2014, for all other purposes.

2. Sections 3 and 4 of this act expire by limitation on 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 Cegavske moved the adoption of the amendment.

Remarks by Senator Cegavske.

Thank you, Mr. President. Amendment No. 83 to Senate Bill No. 210 amends the bill to include charter bus drivers to the proposed permitting requirements and removes other exemptions. It requires the Nevada Transportation Authority to forward fingerprints to the central repository for Nevada Records of Criminal History. The amendment also gives the Nevada Transportation Authority the ability to conduct an additional investigation if deemed "necessary."

Senate Bill No. 210 adds provisions authorizing the Nevada Transportation Authority to deny a permit based on the results of a background check and adds a fingerprint processing fee. It changes the term of the permit from one to three years and changes the effective date to January 1, 2014. I appreciate your support.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 362.

"SUMMARY—Makes certain changes relating to ~~persons with mental illness,~~ public safety. (BDR 14-943)"

"AN ACT relating to ~~persons with mental illness,~~ public safety; requiring a court to transmit within 5 business days certain records of adjudication concerning a person's mental health to the Central Repository for Nevada

Records of Criminal History for certain purposes relating to the purchase or possession of a firearm; authorizing the inclusion, correction and removal of the information in such records in each appropriate database of the National Crime Information Center; requiring each agency of criminal justice to submit information relating to records of criminal history within 60 days after the date of the conviction; requiring certain persons to request a background check before transferring a firearm to another person under certain circumstances; prohibiting certain persons from having possession, custody or control of a firearm; prohibiting certain persons from selling a firearm under certain circumstances; revising the functions of the Division of Mental Health and Developmental Services of the Department of Health and Human Services; requiring a mental health professional to notify certain persons when a patient makes certain explicit threats of imminent serious physical harm or death; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires a court to transmit to the Central Repository for Nevada Records of Criminal History a record of any court order, judgment, plea or verdict concerning the involuntary admission of a person to a mental health facility, the appointment of a guardian for a person with a mental defect, a finding that a person is incompetent to stand trial, a verdict acquitting a defendant by reason of insanity or a plea or finding of guilty but mentally ill, 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) Sections 1-4, 7 and 11 of this bill require such records to be transmitted to the Central Repository within 5 business days.

Existing law requires the inclusion, correction and removal of information in records of criminal history in each appropriate database of the National Instant Criminal Background Check System. (NRS 179A.163, 179A.165, 179A.167, 433A.310) Sections 4.5, 4.6, 4.7 and 11 of this bill also authorize or require, as appropriate, the inclusion, correction and removal of such information in each appropriate database of the National Crime Information Center. Section 4.1 of this bill defines "National Crime Information Center" to mean the computerized information system created and maintained by the Federal Bureau of Investigation pursuant to 28 U.S.C. § 534.

Existing law requires each agency of criminal justice to submit information relating to records of criminal history within the period prescribed by the Director of the Department of Public Safety. (NRS 179A.075) Section 4.3 of this bill requires the submission of such information within 60 days after the date of the conviction.

Existing law authorizes a private person who wishes to transfer a firearm to another person to request the Central Repository to perform a background check on the person who wishes to acquire the firearm. (NRS 202.254) Section 8 of this bill requires with certain exceptions, that a private person

who wishes to transfer a firearm to another person ~~[who does not hold a permit to carry a concealed firearm to]~~ must request that either: (1) the Central Repository perform a background check; or (2) a federal licensed firearms dealer submit a request for a background check to the Central Repository. Section 8 also provides that a private person may not transfer a firearm to another person unless the private person ~~[:(1)]~~ has received notification from the ~~[Central Repository]~~ licensed dealer that the background check indicates that the receipt of a firearm by the person who wishes to acquire the firearm would not violate a state or federal law ~~[; or (2)]~~ , except that the private person may make the transfer if he or she has not received notification from the ~~[Central Repository]~~ licensed dealer regarding the request ~~[within 3 business days]~~ by the close of business on the third business day after making the request. In addition, section 8 provides that the Central Repository may not charge a fee for the background check. Finally, section 8 establishes penalties for a private person who violates this section.

Existing law prohibits ~~[certain persons]~~ a person who has been adjudicated as mentally ill, has been committed to any mental health facility or is illegally or unlawfully in the United States from possessing or having custody or control of a firearm. (NRS 202.360) Section 9 of this bill ~~[:(1) prohibits a person who has been reported by a psychiatrist or a licensed psychologist to have a mental illness and who, because of that illness, is likely to harm himself or herself or others, from having possession, custody or control of a firearm for a period of 6 months; and (2) requires a psychiatrist or licensed psychologist to report such a person to a local law enforcement agency.]~~ also prohibits a person who has entered a plea of guilty but mentally ill, has been found guilty but mentally ill or has been acquitted by reason of insanity from possessing or having custody or control of a firearm.

Existing law prohibits a person from selling or otherwise disposing of any firearm or ammunition to another person if he or she has actual knowledge that the other person: (1) is under indictment for, or has been convicted of, a felony; (2) is a fugitive from justice; (3) has been adjudicated as mentally ill or has been committed to a mental health facility; or (4) is illegally or unlawfully in the United States. (NRS 202.362) Section 10 of this bill prohibits a person from selling or otherwise disposing of any firearm or ammunition to another person if he or she has reasonable cause to believe that the other person meets any of those listed conditions or if the other person is otherwise prohibited from possessing a firearm.

Existing law provides that a patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications between the patient and the patient's psychologist or doctor. (NRS 49.209, 49.225) Sections 5 and 6 of this bill provide exceptions to the privilege for certain determinations which are now required pursuant to this bill.

Existing law: (1) designates the Division of Mental Health and Developmental Services of the Department of Health and Human Services as the official state agency for developing and administering outpatient mental health services; and (2) requires the Division to perform certain functions relating to mental health. (NRS 436.123) Section 12 of this bill requires the Division to assist and consult with local governments and all law enforcement agencies in this State in providing community mental health services.

Existing law imposes various requirements and duties on certain health care professionals. (Chapter 629 of NRS) Section 13 of this bill provides that if a patient of a mental health professional makes an explicit threat of imminent serious physical harm or death to a person, and the mental health professional believes the patient has the intent and ability to carry out the threat, the mental health professional must notify the threatened person and the appropriate law enforcement agency. A mental health professional who exercises reasonable care in determining whether or not to provide notice of such a threat is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information or for any damages caused by the actions of a patient.

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

Section 1. NRS 174.035 is hereby amended to read as follows:

174.035 1. A defendant may plead not guilty, guilty, guilty but mentally ill or, with the consent of the court, nolo contendere. The court may refuse to accept a plea of guilty or guilty but mentally ill.

2. If a plea of guilty or guilty but mentally ill is made in a written plea agreement, the agreement must be in substantially the form prescribed in NRS 174.063. If a plea of guilty or guilty but mentally ill is made orally, the court shall not accept such a plea or a plea of nolo contendere without first addressing the defendant personally and determining that the plea is made voluntarily with understanding of the nature of the charge and consequences of the plea.

3. With the consent of the court and the district attorney, a defendant may enter a conditional plea of guilty, guilty but mentally ill or nolo contendere, reserving in writing the right, on appeal from the judgment, to a review of the adverse determination of any specified pretrial motion. A defendant who prevails on appeal must be allowed to withdraw the plea.

4. A plea of guilty but mentally ill must be entered not less than 21 days before the date set for trial. A defendant who has entered a plea of guilty but mentally ill has the burden of establishing the defendant's mental illness by a preponderance of the evidence. Except as otherwise provided by specific statute, a defendant who enters such a plea is subject to the same criminal, civil and administrative penalties and procedures as a defendant who pleads guilty.

5. The defendant may, in the alternative or in addition to any one of the pleas permitted by subsection 1, plead not guilty by reason of insanity. A plea of not guilty by reason of insanity must be entered not less than 21 days before the date set for trial. A defendant who has not so pleaded may offer the defense of insanity during trial upon good cause shown. Under such a plea or defense, the burden of proof is upon the defendant to establish by a preponderance of the evidence that:

- (a) Due to a disease or defect of the mind, the defendant was in a delusional state at the time of the alleged offense; and
- (b) Due to the delusional state, the defendant either did not:
 - (1) Know or understand the nature and capacity of his or her act; or
 - (2) Appreciate that his or her conduct was wrong, meaning not authorized by law.

6. If a defendant refuses to plead or if the court refuses to accept a plea of guilty or guilty but mentally ill or if a defendant corporation fails to appear, the court shall enter a plea of not guilty.

7. A defendant may not enter a plea of guilty or guilty but mentally ill pursuant to a plea bargain for an offense punishable as a felony for which:

- (a) Probation is not allowed; or
 - (b) The maximum prison sentence is more than 10 years,
- ↪ unless the plea bargain is set forth in writing and signed by the defendant, the defendant's attorney, if the defendant is represented by counsel, and the prosecuting attorney.

8. If the court accepts a plea of guilty but mentally ill pursuant to this section, the court shall cause, *within 5 business days after acceptance of the plea*, on a form prescribed by the Department of Public Safety, a record of that plea to be transmitted to the Central Repository for Nevada Records of Criminal History along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

9. As used in this section:

- (a) "Disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.
- (b) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 2. NRS 175.533 is hereby amended to read as follows:

175.533 1. During a trial, upon a plea of not guilty by reason of insanity, the trier of fact may find the defendant guilty but mentally ill if the trier of fact finds all of the following:

- (a) The defendant is guilty beyond a reasonable doubt of an offense;
- (b) The defendant has established by a preponderance of the evidence that due to a disease or defect of the mind, the defendant was mentally ill at the time of the commission of the offense; and

(c) The defendant has not established by a preponderance of the evidence that the defendant is not guilty by reason of insanity pursuant to subsection 5 of NRS 174.035.

2. Except as otherwise provided by specific statute, a defendant who is found guilty but mentally ill is subject to the same criminal, civil and administrative penalties and procedures as a defendant who is found guilty.

3. If the trier of fact finds a defendant guilty but mentally ill pursuant to subsection 1, the court shall cause, *within 5 business days after the finding*, on a form prescribed by the Department of Public Safety, a record of the finding to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

4. As used in this section:

(a) "Disease or defect of the mind" does not include a disease or defect which is caused solely by voluntary intoxication.

(b) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 3. NRS 175.539 is hereby amended to read as follows:

175.539 1. Where on a trial a defense of insanity is interposed by the defendant and the defendant is acquitted by reason of that defense, the finding of the jury pending the judicial determination pursuant to subsection 2 has the same effect as if the defendant were regularly adjudged insane, and the judge must:

(a) Order a peace officer to take the person into protective custody and transport the person to a forensic facility for detention pending a hearing to determine the person's mental health;

(b) Order the examination of the person by two psychiatrists, two psychologists, or one psychiatrist and one psychologist who are employed by a division facility; and

(c) At a hearing in open court, receive the report of the examining advisers and allow counsel for the State and for the person to examine the advisers, introduce other evidence and cross-examine witnesses.

2. If the court finds, after the hearing:

(a) That there is not clear and convincing evidence that the person is a person with mental illness, the court must order the person's discharge; or

(b) That there is clear and convincing evidence that the person is a person with mental illness, the court must order that the person be committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services until the person is discharged or conditionally released therefrom in accordance with NRS 178.467 to 178.471, inclusive.

➡ The court shall issue its finding within 90 days after the defendant is acquitted.

3. The Administrator shall make the reports and the court shall proceed in the manner provided in NRS 178.467 to 178.471, inclusive.

4. If the court accepts a verdict acquitting a defendant by reason of insanity pursuant to this section, the court shall cause, *within 5 business days after accepting the verdict*, on a form prescribed by the Department of Public Safety, a record of that verdict to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

5. As used in this section, unless the context otherwise requires:

(a) "Division facility" has the meaning ascribed to it in NRS 433.094.

(b) "Forensic facility" means a secure facility of the Division of Mental Health and Developmental Services of the Department of Health and Human Services for offenders and defendants with mental disorders. The term includes, without limitation, Lakes Crossing Center.

(c) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

(d) "Person with mental illness" has the meaning ascribed to it in NRS 178.3986.

Sec. 4. NRS 178.425 is hereby amended to read as follows:

178.425 1. If the court finds the defendant incompetent, and dangerous to himself or herself or to society and that commitment is required for a determination of the defendant's ability to receive treatment to competency and to attain competence, the judge shall order the sheriff to convey the defendant forthwith, together with a copy of the complaint, the commitment and the physicians' certificate, if any, into the custody of the Administrator or the Administrator's designee for detention and treatment at a division facility that is secure. The order may include the involuntary administration of medication if appropriate for treatment to competency.

2. The defendant must be held in such custody until a court orders the defendant's release or until the defendant is returned for trial or judgment as provided in NRS 178.450, 178.455 and 178.460.

3. If the court finds the defendant incompetent but not dangerous to himself or herself or to society, and finds that commitment is not required for a determination of the defendant's ability to receive treatment to competency and to attain competence, the judge shall order the defendant to report to the Administrator or the Administrator's designee as an outpatient for treatment, if it might be beneficial, and for a determination of the defendant's ability to receive treatment to competency and to attain competence. The court may require the defendant to give bail for any periodic appearances before the Administrator or the Administrator's designee.

4. Except as otherwise provided in subsection 5, proceedings against the defendant must be suspended until the Administrator or the Administrator's designee or, if the defendant is charged with a misdemeanor, the judge finds

the defendant capable of standing trial or opposing pronouncement of judgment as provided in NRS 178.400.

5. Whenever the defendant has been found incompetent, with no substantial probability of attaining competency in the foreseeable future, and released from custody or from obligations as an outpatient pursuant to paragraph (d) of subsection 4 of NRS 178.460, the proceedings against the defendant which were suspended must be dismissed. No new charge arising out of the same circumstances may be brought after a period, equal to the maximum time allowed by law for commencing a criminal action for the crime with which the defendant was charged, has lapsed since the date of the alleged offense.

6. If a defendant is found incompetent pursuant to this section, the court shall cause, *within 5 business days after the finding*, on a form prescribed by the Department of Public Safety, a record of that finding to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

7. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 4.1. Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

"National Crime Information Center" means the computerized information system created and maintained by the Federal Bureau of Investigation pursuant to 28 U.S.C. § 534.

Sec. 4.2. NRS 179A.010 is hereby amended to read as follows:

179A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179A.020 to 179A.073, inclusive, *and section 4.1 of this act* have the meanings ascribed to them in those sections.

Sec. 4.3. 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 and Technology Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children 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 in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, ~~for~~ issues ~~for~~ or collects, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 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 ~~[the period prescribed by the Director of the Department.]~~ 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. 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 genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 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.

5. 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 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 to be obtained pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183 and 449.123; 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.

➡ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. 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

(3) Is employed by a county school district, charter school or private school,

➡ and 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, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, 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 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, 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 fingerprints or has fingerprints submitted pursuant to NRS 62B.270, 424.031, 427A.735, 432A.170, 433B.183, 449.122 or 449.123.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor 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 submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, 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 and the delinquency of children 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.

7. 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 or the delinquency of children.

(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 or the delinquency of children 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.

8. As used in this section:

(a) "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) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 4.5. NRS 179A.163 is hereby amended to read as follows:

179A.163 1. Upon receiving a record transmitted pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310, the Central Repository ~~shall~~ :

(a) Shall 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 ~~FF~~; and

(b) 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.

2. Except as otherwise provided in subsection 3, if the Central Repository receives a record described in subsection 1, the person who is the subject of the record may petition the court for an order declaring that:

- (a) The basis for the adjudication reported in the record no longer exists;
- (b) The adjudication reported in the record is deemed not to have occurred for purposes of 18 U.S.C. § 922(d)(4) and (g)(4) and NRS 202.360; and
- (c) The information reported in the record must be removed from the National Instant Criminal Background Check System ~~FF~~ *and the National Crime Information Center, if applicable.*

3. To the extent authorized by federal law, if the record concerning the petitioner was transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310, the petitioner may not file a petition pursuant to subsection 2 until 3 years after the date of the order transmitting the record to the Central Repository.

4. A petition filed pursuant to subsection 2 must be:

- (a) Filed in the court which made the adjudication or finding pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; and
- (b) Served upon the district attorney for the county in which the court described in paragraph (a) is located.

5. The Nevada Rules of Civil Procedure govern all proceedings concerning a petition filed pursuant to subsection 2.

6. The court shall grant the petition and issue the order described in subsection 2 if the court finds that the petitioner has established that:

- (a) The basis for the adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 concerning the petitioner no longer exists;
- (b) The petitioner's record and reputation indicate that the petitioner is not likely to act in a manner dangerous to public safety; and
- (c) Granting the relief requested by the petitioner pursuant to subsection 2 is not contrary to the public interest.

7. Except as otherwise provided in this subsection, the petitioner must establish the provisions of subsection 6 by a preponderance of the evidence. If the adjudication or finding concerning the petitioner was made pursuant to NRS 159.0593 or 433A.310, the petitioner must establish the provisions of subsection 6 by clear and convincing evidence.

8. The court, upon entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository.

9. Within 5 business days after receiving a record of an order transmitted pursuant to subsection 8, the Central Repository shall take reasonable steps to ensure that information concerning the adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310 is removed from the National Instant Criminal Background Check System, ~~the~~ and the National Crime Information Center, if applicable.

10. If the Central Repository fails to remove a record as provided in subsection 9, the petitioner may bring an action to compel the removal of the record. If the petitioner prevails in the action, the court may award the petitioner reasonable attorney's fees and costs incurred in bringing the action.

11. If a petition brought pursuant to subsection 2 is denied, the person who is the subject of the record may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.

Sec. 4.6. NRS 179A.165 is hereby amended to read as follows:

179A.165 1. Any record described in NRS 179A.163 is confidential and is not a public book or record within the meaning of NRS 239.010. A person may not use the record for any purpose other than for a purpose related to criminal justice, including, without limitation, inclusion in the appropriate database of the National Instant Criminal Background Check System, ~~the~~ and the National Crime Information Center, if applicable. The Central Repository may disclose the record to any agency of criminal justice.

2. If a person or governmental entity is required to transmit, report or take any other action concerning a record pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 179A.163 or 433A.310, no action for damages may be brought against the person or governmental entity for:

(a) Transmitting or reporting the record or taking any other required action concerning the record;

(b) Failing to transmit or report the record or failing to take any other required action concerning the record;

(c) Delaying the transmission or reporting of the record or delaying in taking any other required action concerning the record; or

(d) Transmitting or reporting an inaccurate or incomplete version of the record or taking any other required action concerning an inaccurate or incomplete version of the record.

Sec. 4.7. NRS 179A.167 is hereby amended to read as follows:

179A.167 1. The Central Repository shall permit a person who is or believes he or she may be the subject of information relating to records of mental health held by the Central Repository to inspect and correct any information contained in such records.

2. The Central Repository shall adopt regulations and make available necessary forms to permit inspection, review and correction of information relating to records of mental health by those persons who are the subjects thereof. The regulations must specify:

(a) The requirements for proper identification of the persons seeking access to the records; and

(b) The reasonable charges or fees, if any, for inspecting records.

3. The Director of the Department shall adopt regulations governing:

(a) All challenges to the accuracy or sufficiency of information or records of mental health by the person who is the subject of the allegedly inaccurate or insufficient record;

(b) The correction of any information relating to records of mental health found by the Director to be inaccurate, insufficient or incomplete in any material respect;

(c) The dissemination of corrected information to those persons or agencies which have previously received inaccurate or incomplete information; and

(d) A reasonable time limit within which inaccurate or insufficient information relating to records of mental health must be corrected and the corrected information disseminated.

4. As used in this section, "information relating to records of mental health" means information contained in a record:

(a) Transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; or

(b) Transmitted to the National Instant Criminal Background Check System or the National Crime Information Center pursuant to NRS 179A.163.

Sec. 5. NRS 49.213 is hereby amended to read as follows:

49.213 There is no privilege pursuant to NRS 49.209 or 49.211:

1. For communications relevant to an issue in a proceeding to hospitalize the patient for mental illness, if the psychologist in the course of diagnosis or treatment has determined that the patient requires hospitalization.

2. *For communications relevant to any determination made pursuant to NRS 202.360.*

3. For communications relevant to an issue of the treatment of the patient in any proceeding in which the treatment is an element of a claim or defense.

~~{3.}~~ 4. If disclosure is otherwise required by state or federal law.

~~{4.}~~ 5. For communications relevant to an issue in a proceeding to determine the validity of a will of the patient.

~~{5.}~~ 6. If there is an immediate threat that the patient will harm himself or herself or other persons.

~~{6.}~~ 7. For communications made in the course of a court-ordered examination of the condition of a patient with respect to the specific purpose of the examination unless the court orders otherwise.

~~{7.}~~ 8. For communications relevant to an issue in an investigation or hearing conducted by the Board of Psychological Examiners if the treatment of the patient is an element of that investigation or hearing.

~~{8.}~~ 9. For communications relevant to an issue in a proceeding relating to the abuse or neglect of a person with a disability or a person who is legally incompetent.

Sec. 6. NRS 49.245 is hereby amended to read as follows:

49.245 There is no privilege under NRS 49.225 or 49.235:

1. For communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the doctor in the course of diagnosis or treatment has determined that the patient is in need of hospitalization.

2. *For communications relevant to any determination made pursuant to NRS 202.360.*

3. As to communications made in the course of a court-ordered examination of the condition of a patient with respect to the particular purpose of the examination unless the court orders otherwise.

~~{3-}~~ 4. As to written medical or hospital records relevant to an issue of the condition of the patient in any proceeding in which the condition is an element of a claim or defense.

~~{4-}~~ 5. In a prosecution or mandamus proceeding under chapter 441A of NRS.

~~{5-}~~ 6. As to any information communicated to a physician in an effort unlawfully to procure a dangerous drug or controlled substance, or unlawfully to procure the administration of any such drug or substance.

~~{6-}~~ 7. As to any written medical or hospital records which are furnished in accordance with the provisions of NRS 629.061.

~~{7-}~~ 8. As to records that are required by chapter 453 of NRS to be maintained.

~~{8-}~~ 9. If the services of the physician are sought or obtained to enable or aid a person to commit or plan to commit fraud or any other unlawful act in violation of any provision of chapter 616A, 616B, 616C, 616D or 617 of NRS which the person knows or reasonably should know is fraudulent or otherwise unlawful.

Sec. 7. NRS 159.0593 is hereby amended to read as follows:

159.0593 1. If the court orders a general guardian appointed for a proposed ward, the court shall determine, by clear and convincing evidence, whether the proposed ward is a person with a mental defect who is prohibited from possessing a firearm pursuant to 18 U.S.C. § 922(d)(4) or (g)(4). If a court makes a finding pursuant to this section that the proposed ward is a person with a mental defect, the court shall include the finding in the order appointing the guardian and cause , *within 5 business days after issuing the order*, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System.

2. As used in this section:

(a) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

(b) "Person with a mental defect" means a person who, as a result of marked subnormal intelligence, mental illness, incompetence, condition or disease, is:

(1) A danger to himself or herself or others; or

(2) Lacks the capacity to contract or manage his or her own affairs.

Sec. 8. NRS 202.254 is hereby amended to read as follows:

202.254 1. ~~1. A~~ *Except as otherwise provided in subsection 6, a private person who wishes to transfer a firearm to another person ~~may,~~ ~~who is not a permittee~~ shall, before transferring the firearm, request that a licensed dealer submit a request to the ~~the~~*

~~(a) The~~ Central Repository for Nevada Records of Criminal History to perform a background check on the person who wishes to acquire the firearm ~~for~~

~~(b) A holder of a federal firearms license submit a request to perform a background check on the person who wishes to acquire the firearm to the Central Repository.~~

2. The person who requests the ~~information~~ background check pursuant to subsection 1 ~~shall~~ :

(a) Shall provide the ~~Central Repository~~ licensed dealer with identifying information about the person who wishes to acquire the firearm ~~for~~ for submission to the Central Repository.

(b) ~~Shall~~ Except as otherwise provided in this paragraph, shall not transfer ~~for~~ the firearm to the person who wishes to acquire the firearm until

~~(1) The~~ unless the person has received notification ~~pursuant to subsection 3~~ from the licensed dealer that the information available to the Central Repository indicates that the receipt of a firearm by the person who wishes to acquire the firearm would not violate a state or federal law. ~~for~~

~~(2) The person who requests the information.~~ If the person who requests the background check has not received notification from the ~~Central Repository~~ licensed dealer regarding the request ~~within 3~~ by the close of business on the third business ~~days~~ day after making the request ~~for~~, the person may transfer the firearm to the person who wishes to acquire the firearm without receiving notification from the licensed dealer.

3. Upon receiving a request from a ~~private person or a~~ licensed dealer pursuant to subsection 1 and the identifying information required pursuant to subsection 2, the Central Repository shall within ~~5~~ 3 business days after receiving the request:

(a) Perform a background check on the person who wishes to acquire the firearm; and

(b) Notify the ~~person who requests the information~~ licensed dealer whether the information available to the Central Repository indicates that the receipt of a firearm by the person who wishes to acquire the firearm would violate a state or federal law.

4. If the ~~person who requests the information~~ licensed dealer does not receive notification from the Central Repository regarding the request within ~~5~~ 3 business days after making the request, the licensed dealer shall, not later than the close of business on that third business day, inform the person who requested the background check that he or she may presume that the

receipt of a firearm by the person who wishes to acquire the firearm would not violate a state or federal law.

5. The Central Repository may *not* charge a ~~reasonable~~ fee for performing a background check and notifying ~~a person~~ *the licensed dealer* of the results of the background check pursuant to this section.

6. ~~[The failure of a person to] [request the Central Repository to perform a background check pursuant to] [comply with the provisions of this section before transferring a firearm to another person does not give rise to any civil cause of action.]~~

~~7.~~ *The provisions of this section do not apply to:*

(a) A transfer of a firearm to a person who is a holder of a permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.3653 to 202.369, inclusive.

(b) A transfer of an antique firearm, as defined in 18 U.S.C. § 921, or a curio or relic, as defined in 27 C.F.R. 478.11.

(c) A transfer of a firearm that is a gift or loan between family members who are related by consanguinity or affinity within the second degree.

(d) A transfer of a firearm that occurs by operation of law or because of the death of a person for whom the person transferring the firearm is an executor or administrator of an estate or a trustee of a trust created in a will.

(e) A transfer of a firearm that is temporary and occurs while in the home of the person to whom the firearm is transferred if the person to whom the firearm is transferred:

(1) Is not prohibited from possessing a firearm; and

(2) Reasonably believes that possession of the firearm is necessary to prevent imminent death or serious bodily injury to the person.

(f) A temporary transfer of possession of a firearm without transfer of ownership or title to ownership of the firearm, if such transfer takes place:

(1) At a shooting range located in or on any premises owned or occupied by a duly incorporated organization organized for conservation purposes or to foster proficiency with firearms;

(2) At a target firearm shooting competition under the auspices of, or approved by, a state agency or a nonprofit organization; or

(3) While hunting, fishing, target shooting or trapping if:

(I) The hunting, fishing, target shooting or trapping is legal in all places where the person to whom the firearm is transferred possesses the firearm; and

(II) The person to whom the firearm is transferred holds all licenses or permits required for such hunting, fishing, target shooting or trapping.

(g) A transfer of a firearm that is made to facilitate the repair or maintenance of the firearm, if the person to whom the firearm is transferred is not prohibited from possessing a firearm.

(h) A temporary transfer of a firearm that occurs while in the presence of the owner of the firearm.

(i) A temporary transfer of a firearm for not more than 72 hours. A person who transfers a firearm pursuant to this paragraph is liable for damages proximately caused by any unlawful use of the firearm.

(j) A transfer of a firearm from a person serving in the Armed Forces of the United States to an immediate family member if the person transferring the firearm will be deployed outside of the United States within 30 days after the transfer.

(k) A temporary transfer of a firearm from a person to a mental health professional or to the person's physician if the mental health professional, the physician or the person believes the transfer is necessary to protect the health or safety of the person or others.

7. A person who transfers a firearm to another person in violation of this section:

(a) Is guilty of a gross misdemeanor; and

(b) Is prohibited from possessing a firearm for a period of 2 years after the date of the conviction. ~~f. and~~

~~(b) Is~~ If the convicted person possesses a firearm during the 2-year period in violation of this paragraph, the person is guilty of a gross misdemeanor ~~f.~~ and is prohibited from possessing a firearm for an additional period of 2 years after the date of the conviction.

8. As used in this section:

(a) "Background check" includes a report from the National Instant Criminal Background Check System.

(b) "Licensed dealer" means a person who holds a license as a dealer in firearms issued pursuant to the provisions of 18 U.S.C. § 923.

(c) "Mental health professional" has the meaning ascribed to it in section 13 of this act.

(d) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

~~f. (e) "Permittee" means a holder of a permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.3653 to 202.369, inclusive.~~

Sec. 9. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted of a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;

(b) Is a fugitive from justice; ~~for~~

(c) Is an unlawful user of, or addicted to, any controlled substance ~~f.~~; or

(d) Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

→ A person who violates the provisions of this subsection 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.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility ~~[, or]~~ by a court of this State, any other state or the United States;

(b) Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;

(c) Has been found guilty but mentally ill in a court of this State, any other state or the United States;

(d) Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or

(e) Is illegally or unlawfully in the United States.

➡ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. ~~A person shall not, for a period of 6 months, own or have in his or her possession or under his or her custody or control a firearm if the person has been determined by a psychiatrist or a licensed psychologist to be a person with mental illness who, because of that illness, is likely to harm himself or herself or others. A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

4. ~~A psychiatrist or a licensed psychologist shall immediately report to a local law enforcement agency the identity of a person subject to subsection 3. The 6-month period set forth in subsection 3 commences on the date that the psychiatrist or licensed psychologist reports to a local law enforcement agency the identity of the person with mental illness. The prohibition set forth in subsection 3 does not apply unless the psychiatrist or licensed psychologist reports to a local law enforcement agency the identity of the person.~~

5. ~~Upon receipt of the report from the psychiatrist or licensed psychologist pursuant to subsection 4, the local law enforcement agency shall notify by certified mail, return receipt requested, the person who is identified in the report made pursuant to subsection 4 of the following:~~

(a) ~~That he or she is prohibited from possessing or having custody or control of a firearm for a period of 6 months commencing on the date that the psychiatrist or licensed psychologist reports to the local law enforcement agency the identity of the person. The notice must state the date when the prohibition commences and ends.~~

(b) ~~That he or she may petition the district court in the county where the person resides for an order that he or she may possess or have custody or control of a firearm. At the time the petition is filed, the clerk of the court shall set a hearing and notify the person and the district attorney. The people~~

~~of the State must be named as the respondent in the proceeding and must be represented by the district attorney.~~

~~6. If the court finds by a preponderance of the evidence that the person would be likely to use firearms in a safe and lawful manner, the court shall order that the person may possess or have custody or control of a firearm.~~

~~7. A psychiatrist or licensed psychologist who provides a report pursuant to this section is immune from civil liability for making any report required by this section.~~

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

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 10. NRS 202.362 is hereby amended to read as follows:

202.362 1. Except as otherwise provided in subsection 3, a person within this State shall not sell or otherwise dispose of any firearm or ammunition to another person if he or she has ~~[actual knowledge]~~ *reasonable cause to believe* that the other person:

(a) Is under indictment for, or has been convicted of, a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the other person has received a pardon and the pardon does not restrict his or her right to bear arms; *or*

(b) ~~Is a fugitive from justice;~~

(c) ~~Has been adjudicated as mentally ill or has been committed to any mental health facility; or~~

(d) ~~Is illegally or unlawfully in the United States.]~~ *Is prohibited from possessing a firearm pursuant to NRS 202.360.*

2. A person who violates 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 may be further punished by a fine of not more than \$10,000.

3. This section does not apply to a person who sells or disposes of any firearm or ammunition to:

(a) A licensed importer, licensed manufacturer, licensed dealer or licensed collector who, pursuant to 18 U.S.C. § 925(b), is not precluded from dealing in firearms or ammunition; *or*

(b) A person who has been granted relief from the disabilities imposed by federal laws pursuant to 18 U.S.C. § 925(c) or NRS 179A.163.

4. *For the purposes of this section, a person has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that*

an act, transaction, event, situation or condition exists, is occurring or has occurred.

Sec. 11. NRS 433A.310 is hereby amended to read as follows:

433A.310 1. Except as otherwise provided in NRS 432B.6076 and 432B.6077, if the district court finds, after proceedings for the involuntary court-ordered admission of a person to a public or private mental health facility:

(a) That there is not clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness or exhibits observable behavior such that the person is likely to harm himself or herself or others if allowed his or her liberty, the court shall enter its finding to that effect and the person must not be involuntarily detained in such a facility.

(b) That there is clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty, the court may order the involuntary admission of the person for the most appropriate course of treatment. The order of the court must be interlocutory and must not become final if, within 30 days after the involuntary admission, the person is unconditionally released pursuant to NRS 433A.390.

2. Except as otherwise provided in NRS 432B.608, an involuntary admission pursuant to paragraph (b) of subsection 1 automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility as provided for in subsection 2 of NRS 433A.390. Except as otherwise provided in NRS 432B.608, at the end of the court-ordered period of treatment, the Division or any mental health facility that is not operated by the Division may petition to renew the detention of the person for additional periods not to exceed 6 months each. For each renewal, the petition must set forth to the court specific reasons why further treatment would be in the person's own best interests.

3. Before issuing an order for involuntary admission or a renewal thereof, the court shall explore other alternative courses of treatment within the least restrictive appropriate environment as suggested by the evaluation team who evaluated the person, or other persons professionally qualified in the field of psychiatric mental health, which the court believes may be in the best interests of the person.

4. If the court issues an order involuntarily admitting a person to a public or private mental health facility pursuant to this section, the court shall, notwithstanding the provisions of NRS 433A.715, cause, *within 5 business days after issuing the order*, on a form prescribed by the Department of Public Safety, a record of ~~[such]~~ the order to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System, ~~and~~ and the National Crime Information Center.

5. As used in this section ~~§~~ :

(a) "National Crime Information Center" has the meaning ascribed to it in section 4.1 of this act.

(b) "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Sec. 12. NRS 436.123 is hereby amended to read as follows:

436.123 The Division is designated as the official state agency responsible for developing and administering preventive and outpatient mental health services, subject to administrative supervision by the Director of the Department. It shall function in the following areas:

1. Assisting and consulting with local health authorities , *local governments and all law enforcement agencies in this State* in providing community mental health services, which services may include prevention, rehabilitation, case finding, diagnosis and treatment of persons with mental illness, and consultation and education for groups and individuals regarding mental health.

2. Coordinating mental health functions with other state agencies.

3. Participating in and promoting the development of facilities for training personnel necessary for implementing such services.

4. Collecting and disseminating information pertaining to mental health.

5. Performing such other acts as are necessary to promote mental health in the State.

Sec. 13. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a patient communicates to a mental health professional an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable person and, in the judgment of the mental health professional, the patient has the intent and ability to carry out the threat, the mental health professional shall make a reasonable effort to communicate the threat in a timely manner to:

(a) The person who is the subject of the threat;

(b) The law enforcement agency with the closest physical location to the residence of the person; and

(c) If the person is a minor, the parent or guardian of the person.

2. A mental health professional who exercises reasonable care in determining that he or she:

(a) Has a duty to communicate a threat pursuant to subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information.

(b) Does not have a duty to communicate a threat pursuant to subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any damages caused by the actions of a patient.

3. The provisions of this section do not:

(a) Limit or affect the duty of the mental health professional to report child abuse or neglect pursuant to NRS 432B.220; or

(b) Modify any duty of a mental health professional to take precautions to prevent harm by a patient:

(1) In the custody of a hospital or other facility where the mental health professional is employed; or

(2) Who is being discharged from such a facility.

4. As used in this section, "mental health professional" includes:

(a) A psychiatrist licensed to practice medicine in this State pursuant to chapter 630 or 633 of NRS;

(b) A social worker who:

(1) Holds a master's degree in social work or a related field;

(2) Is licensed as a clinical social worker pursuant to chapter 641B of NRS; and

(3) Is employed by the Division of Mental Health and Developmental Services of the Department of Health and Human Services.

(c) A registered nurse who:

(1) Is licensed to practice professional nursing pursuant to chapter 632 of NRS; and

(2) Holds a master's degree in psychiatric nursing or a related field.

(d) A marriage and family therapist licensed pursuant to chapter 641A of NRS.

(e) A clinical professional counselor licensed pursuant to chapter 641A of NRS.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 362 to Senate Bill No. 221 makes technical changes to ensure the proper reporting of information to the National Crime Information Center. First, the amendment clarifies that the provisions of the bill do not apply to: (1) the transfer of an antique firearm, or a curio or relic as defined in federal regulations; (2) a transfer that is a gift or loan between certain family members; (3) a transfer that occurs by operation of law or through the execution of an estate or trust; or (4) certain temporary transfers.

Amendment No. 362 to Senate Bill No. 221 prohibits the Central Repository from charging a fee for a background check required by the bill. It also prohibits a person from owning or possessing a firearm if they are prohibited by federal law from possessing a firearm, or in a court of law: (a) have entered a plea of guilty but mentally ill; (b) have been found guilty but mentally ill; or (c) have been acquitted by reason of insanity.

Finally, the amendment clarifies provisions requiring that mental health professionals take certain steps to report an explicit, specific and imminent threat reported by persons under their care and provides certain protections from civil or criminal liability in these circumstances.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 266.

Bill read second time.

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

Amendment No. 443.

"SUMMARY—Requires certain policies of health insurance and health care plans to provide comparable coverage for orally administered chemotherapy. (BDR 57-879)"

"AN ACT relating to insurance; requiring certain policies of health insurance and health care plans to provide coverage for certain orally administered chemotherapy that is not less favorable to the insured than other forms of chemotherapy; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires certain public and private health care plans and policies of insurance to provide coverage for certain procedures, including colorectal cancer screenings, cytological screening tests and mammograms, in certain circumstances. (NRS 287.027, 287.04335, 689A.04042, 689A.0405, 689B.0367, 689B.0374, 695B.1907, 695B.1912, 695C.1731, 695C.1735, 695G.168) Existing law also requires employers to provide certain benefits to employees, including coverage for the procedures required to be covered by insurers, if the employer provides health benefits for its employees. (NRS 608.1555) This bill requires each health care plan and policy of insurance, other than the State Plan for Medicaid, that provides coverage for both chemotherapy administered intravenously or by injection and orally administered chemotherapy to provide the coverage for orally administered chemotherapy to the same extent to the insured as other types of chemotherapy. The bill further prohibits a health care plan or policy of insurance from meeting this requirement by increasing the costs of the other types of chemotherapy or by decreasing the monetary limits for chemotherapy under the policy or plan.

The provisions of this bill apply prospectively to any policy of insurance or health care plan offered through the Silver State Health Insurance Exchange on or after January 1, 2015, and to any other policy of insurance or health care plan issued or renewed on or after ~~October~~ January 1, ~~2013,~~ 2014.

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

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An insurer that offers or issues a policy of health insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:*

(a) *Require a higher copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug than is required for chemotherapy which is administered by injection or intravenously.*

(b) *Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than*

the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Increase the copayment, deductible or coinsurance amount for chemotherapy that is administered by injection or intravenously or decrease the monetary limits applicable to such chemotherapy to meet the requirements of this section.

2. A policy subject to the provisions of this chapter ~~[that is delivered, issued for delivery or renewed on or after October 1, 2013,]~~ which provides coverage for the treatment of cancer through the use of chemotherapy has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy or renewal which is in conflict with this section is void ~~if~~ if the policy is:

(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or

(b) For any other policy, delivered, issued for delivery or renewed on or after January 1, 2014.

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[]~~ , and section 1 of this act.

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a policy of group health insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a higher copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug than is required for chemotherapy which is administered by injection or intravenously.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Increase the copayment, deductible or coinsurance amount for chemotherapy that is administered by injection or intravenously or decrease

the monetary limits applicable to such chemotherapy to meet the requirements of this section.

2. A policy subject to the provisions of this chapter ~~that is delivered, issued for delivery or renewed on or after October 1, 2013,~~ which provides coverage for the treatment of cancer through the use of chemotherapy has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the policy or renewal which is in conflict with this section is void.

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 4. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that offers or issues a contract for hospital or medical service which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a higher copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug than is required for chemotherapy which is administered by injection or intravenously.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Increase the copayment, deductible or coinsurance amount for chemotherapy that is administered by injection or intravenously or decrease the monetary limits applicable to such chemotherapy to meet the requirements of this section.

2. A contract subject to the provisions of this chapter ~~that is delivered, issued for delivery or renewed on or after October 1, 2013,~~ which provides coverage for the treatment of cancer through the use of chemotherapy has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the contract or renewal which is in conflict with this section is void ~~if~~ if the contract is:

(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or

(b) For any other contract, delivered, issued for delivery or renewed on or after January 1, 2014.

3. Nothing in this section shall be construed as requiring an insurer to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 5. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A health maintenance organization that offers or issues a health care plan which provides coverage for the treatment of cancer through the use of chemotherapy shall not:*

(a) Require a higher copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug than is required for chemotherapy which is administered by injection or intravenously.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Increase the copayment, deductible or coinsurance amount for chemotherapy that is administered by injection or intravenously or decrease the monetary limits applicable to such chemotherapy to meet the requirements of this section.

2. *Evidence of coverage subject to the provisions of this chapter ~~that is delivered, issued for delivery or renewed on or after October 1, 2013,~~ which provides coverage for the treatment of cancer through the use of chemotherapy has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void ~~if~~ if the evidence of coverage is:*

(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or

(b) For any other evidence of coverage, delivered, issued for delivery or renewed on or after January 1, 2014.

3. *Nothing in this section shall be construed as requiring a health maintenance organization to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.*

Sec. 6. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 to 695C.173, inclusive, 695C.1733 to 695C.200, inclusive, *and section 5 of this act*, 695C.250 and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 and 695C.1731 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 7. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 5 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The State Board of Health certifies to the Commissioner that the health maintenance organization:

(1) Does not meet the requirements of subsection 2 of NRS 695C.080;

or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 8. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A managed care organization that offers or issues a health care plan which provides coverage for the treatment of cancer through the use of chemotherapy shall not:*

(a) *Require a higher copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug than is required for chemotherapy which is administered by injection or intravenously.*

(b) *Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than*

the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Increase the copayment, deductible or coinsurance amount for chemotherapy that is administered by injection or intravenously or decrease the monetary limits applicable to such chemotherapy to meet the requirements of this section.

2. An evidence of coverage for a health care plan subject to the provisions of this chapter ~~that is delivered, issued for delivery or renewed on or after October 1, 2012,~~ which provides coverage for the treatment of cancer through the use of chemotherapy has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the evidence of coverage or the renewal which is in conflict with this section is void ~~if~~ if the evidence of coverage is:

(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or

(b) For any other evidence of coverage, delivered, issued for delivery or renewed on or after January 1, 2014.

3. Nothing in this section shall be construed as requiring a managed care organization to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 8.5. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.164, 695G.1645, 695G.200 to 695G.230, inclusive, and 695G.430 and section 8 of this act, do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 9. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental entity of the State of Nevada that provides health insurance through a plan of self-insurance which provides coverage for the treatment of cancer through the use of chemotherapy shall not:

(a) Require a higher copayment, deductible or coinsurance amount for chemotherapy administered orally by means of a prescription drug than is required for chemotherapy which is administered by injection or intravenously.

(b) Make the coverage subject to monetary limits that are less favorable for chemotherapy administered orally by means of a prescription drug than the monetary limits applicable to chemotherapy which is administered by injection or intravenously.

(c) Increase the copayment, deductible or coinsurance amount for chemotherapy that is administered by injection or intravenously or decrease the monetary limits applicable to such chemotherapy to meet the requirements of this section.

2. A plan of self-insurance subject to the provisions of this chapter ~~that is delivered, issued for delivery or renewed on or after October 1, 2013,~~ which provides coverage for the treatment of cancer through the use of chemotherapy has the legal effect of providing that coverage subject to the requirements of this section, and any provision of the plan or the renewal which is in conflict with this section is void ~~if~~ if the plan is:

(a) A qualified health plan, as defined in NRS 695I.080, that is offered to persons through the Silver State Health Insurance Exchange and delivered, issued for delivery or renewed on or after January 1, 2015; or

(b) For any other plan, delivered, issued for delivery or renewed on or after January 1, 2014.

3. Nothing in this section shall be construed as requiring the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental entity of the State of Nevada that provides health insurance through a plan of self-insurance to provide coverage for the treatment of cancer through the use of chemotherapy administered by injection or intravenously or administered orally by means of a prescription drug.

Sec. 9.5. NRS 287.015 is hereby amended to read as follows:

287.015 1. A local government employer and any employee organization that is recognized by the employer pursuant to chapter 288 of NRS may, by written agreement between themselves or with other local government employers and employee organizations, establish a trust fund to provide health and welfare benefits to active and retired employees of the participating employers and the dependents of those employees.

2. All contributions made to a trust fund established pursuant to this section must be held in trust and used:

(a) To provide, from principal or income, or both, for the benefit of the participating employees and their dependents, medical, hospital, dental, vision, death, disability or accident benefits, or any combination thereof, and any other benefit appropriate for an entity that qualifies as a voluntary employees' beneficiary association under Section 501(c)(9) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(9), as amended; and

(b) To pay any reasonable administrative expenses incident to the provision of these benefits and the administration of the trust.

3. The basis on which contributions are to be made to the trust must be specified in a collective bargaining agreement between each participating local government employer and employee organization or in a written participation agreement between the employer and employee organization, jointly, and the trust.

4. The trust must be administered by a board of trustees on which participating local government employers and employee organizations are equally represented. The agreement that establishes the trust must:

(a) Set forth the powers and duties of the board of trustees, which must not be inconsistent with the provisions of this section;

(b) Establish a procedure for resolving expeditiously any deadlock that arises among the members of the board of trustees; and

(c) Provide for an audit of the trust, at least annually, the results of which must be reported to each participating employer and employee organization.

5. The provisions of paragraphs (b) and (c) of subsection 2 of NRS 287.029 apply to a trust fund established pursuant to this section by the governing body of a school district.

6. The provisions of section 9 of this act do not apply to a trust fund established pursuant to this section.

7. As used in this section:

(a) "Employee organization" has the meaning ascribed to it in NRS 288.040.

(b) "Local government employer" has the meaning ascribed to it in NRS 288.060.

Sec. 10. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.164, 695G.1645, 695G.170, 695G.171, 695G.173, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, and section 8 of this act in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 11. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Thank you, Mr. President. Amendment No. 443 to Senate Bill No. 266 changes the effective date for health benefit plans governed by the Silver State Health Insurance Exchange to January 1, 2015, and January 1, 2014, for other health benefit plans. It also exempts an existing trust fund formed by a local government employer or employee association to provide health and welfare benefits. The amendment exempts Medicaid Managed Care Organizations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:27 p.m.

SENATE IN SESSION

At 12:31 p.m.

President Krolicki presiding.

Quorum present.

Senate Bill No. 277.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 361.

"SUMMARY—Revises provisions relating to ~~firearms~~, public safety. (BDR 15-923)"

"AN ACT relating to ~~firearms~~, public safety; prohibiting the sale or disposal of a firearm or ammunition to certain persons; requiring certain records to be transmitted to the Central Repository for Nevada Records of Criminal History; providing procedures for the removal of such records and the restoration of certain rights; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits the sale or disposal of a firearm or ammunition to a person who: (1) is under indictment for, or has been convicted of, a felony; (2) is a fugitive from justice; (3) has been adjudicated as mentally ill or has been committed to any mental health facility; or (4) is illegally or unlawfully in the United States. (NRS 202.362) Existing law also provides for the filing of a petition for an involuntary court-ordered admission of a person to a mental health facility ~~and~~, and if the court grants the petition and orders the person admitted to a mental health facility, existing law requires the court to transmit a record of that order to the Central Repository for Nevada Records of Criminal History for inclusion in all appropriate databases of the National Instant Criminal Background Check System. (NRS 433A.200 ~~and~~, 433A.310) Section 1 of this bill prohibits, under certain circumstances, the sale or disposal of a firearm or ammunition to a person for whom a petition was filed

for an involuntary court-ordered admission to a mental health facility, if such a petition was filed after the person was admitted on an emergency basis. ~~[Section] Upon the filing of such a petition, section 5 of this bill requires [a court: (1) to]~~ the court to: (1) transmit a record of the petition to the Central Repository ~~[for Nevada Records of Criminal History a record of any petition filed for the involuntary court-ordered admission of the person to a mental health facility, if such petition was filed after the person was admitted on an emergency basis,]~~ along with a statement that the record is being transmitted for inclusion in all appropriate databases of the National Instant Criminal Background Check System; and (2) ~~[to]~~ notify the person who is the subject of the petition that he or she is prohibited from purchasing a firearm or ammunition and that ~~[after 3 years]~~ certain procedures are available for removal of the record and the disability to purchase a firearm or ammunition if the petition is deferred, dismissed or denied.

With regard to those procedures, section 5 provides that if the petition is denied because the court finds that the facts do not support involuntary admission, the court must order immediate removal of the record and the disability. If the petition is deferred, dismissed or denied for any other reason, the person may petition the court for removal of the record and the disability. If the person files such a petition less than 3 years after the date on which the record is transmitted to the Central Repository, the person has the burden of proving that he or she is entitled to the requested relief. If the person files the petition 3 years or more after the date on which the record is transmitted to the Central Repository, the State has the burden of proving that the person is not entitled to the requested relief.

Existing law requires the Central Repository to take reasonable steps to ensure that certain records transmitted to it by the court are included in each appropriate database of the National Instant Criminal Background Check System and provides a procedure for a person who is the subject of such a record to petition a court to have the record ~~[removed from the National Instant Criminal Background Check System and to have his or her]~~ and any disability relating to firearms removed. (NRS 179A.163) Section 2 of this bill: (1) requires the Central Repository to take such steps relating to records transmitted to it by the court pertaining to a person for whom a petition for an involuntary court-ordered admission to a mental health facility was filed, if such a petition was filed after the person was admitted on an emergency basis; and (2) provides that a person subject to such a record may petition the court ~~[to remove]~~ for removal of the record and disability ~~[to purchase a firearm after a period of 3 years; and (3) requires that the petition be granted unless the State proves by a preponderance of the evidence that the petitioner is likely to act in a manner that is dangerous to public safety.]~~ pursuant to the procedures set forth in section 5.

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

Section 1. NRS 202.362 is hereby amended to read as follows:

202.362 1. Except as otherwise provided in subsection 3, a person within this State shall not sell or otherwise dispose of any firearm or ammunition to another person if he or she has actual knowledge that the other person:

(a) Is under indictment for, or has been convicted of, a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the other person has received a pardon and the pardon does not restrict his or her right to bear arms;

(b) Is a fugitive from justice;

(c) Has been adjudicated as mentally ill or has been committed to any mental health facility; ~~or~~

(d) *Has been the subject of a petition ~~filed~~ for involuntary court-ordered admission to any mental health facility and is prohibited from purchasing a firearm or ammunition pursuant to subsection 3 of NRS 433A.200; or*

(e) Is illegally or unlawfully in the United States.

2. A person who violates 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 may be further punished by a fine of not more than \$10,000.

3. This section does not apply to a person who sells or disposes of any firearm or ammunition to:

(a) A licensed importer, licensed manufacturer, licensed dealer or licensed collector who, pursuant to 18 U.S.C. § 925(b), is not precluded from dealing in firearms or ammunition; or

(b) A person who has been granted relief from the disabilities imposed by federal *or state* laws pursuant to 18 U.S.C. § 925(c) or NRS 179A.163.

Sec. 2. NRS 179A.163 is hereby amended to read as follows:

179A.163 1. Upon receiving a record transmitted pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 , 433A.200 or 433A.310, the Central Repository shall 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.

2. Except as otherwise provided in subsection 3, if the Central Repository receives a record described in subsection 1, the person who is the subject of the record may petition the court for an order declaring that:

(a) The basis for the *petition or* adjudication reported in the record no longer exists;

(b) The *petition or* adjudication reported in the record is deemed not to have occurred for purposes of 18 U.S.C. § 922(d)(4) and (g)(4) and NRS 202.360; and

(c) The information reported in the record must be removed from the National Instant Criminal Background Check System.

3. To the extent authorized by federal law, if the record concerning the petitioner was transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425, ~~433A.200~~ or 433A.310, the petitioner may not file a petition pursuant to subsection 2 until 3 years after the date of the order transmitting the record to the Central Repository ~~and~~ , unless the petitioner is authorized to file the petition sooner pursuant to subsection 5 of NRS 433A.200.

4. A petition filed pursuant to subsection 2 must be:

(a) Filed in the court which ~~made~~ :

(1) *Made* the adjudication or finding pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 or 433A.310; or

(2) *Received the petition ~~filed~~ and transmitted the record pursuant to subsection 3 of NRS 433A.200;* and

(b) Served upon the district attorney for the county in which the court described in paragraph (a) is located.

5. The Nevada Rules of Civil Procedure govern all proceedings concerning a petition filed pursuant to subsection 2.

6. ~~The~~ Except as otherwise provided in subsection 5 of NRS 433A.200, the court shall grant the petition and issue the order described in subsection 2 if the court finds that the petitioner has established that:

(a) The basis for the *petition being filed or the* adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 , ~~433A.200~~ or 433A.310 concerning the petitioner no longer exists;

(b) The petitioner's record and reputation indicate that the petitioner is not likely to act in a manner dangerous to public safety; and

(c) Granting the relief requested by the petitioner pursuant to subsection 2 is not contrary to the public interest.

7. Except as otherwise provided in this subsection ~~and~~ and subsection 5 of NRS 433A.200, the petitioner must establish the provisions of subsection 6 by a preponderance of the evidence. ~~If the petition was filed after notification was made pursuant to paragraph (b) of subsection 3 of NRS 433A.200, the court shall grant the relief requested by the petitioner pursuant to subsection 2, unless the State can establish by a preponderance of the evidence that the petitioner is likely to act in a manner dangerous to public safety.~~ If the adjudication or finding concerning the petitioner was made pursuant to NRS 159.0593 or 433A.310, the petitioner must establish the provisions of subsection 6 by clear and convincing evidence.

8. The court, upon entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository.

9. Within 5 business days after receiving a record of an order transmitted pursuant to subsection 8 ~~and~~ or subsection 4 of NRS 433A.200, the Central Repository shall take reasonable steps to ensure that information concerning

the *petition being filed or the* adjudication or finding made pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425 , 433A.200 or 433A.310 is removed from the National Instant Criminal Background Check System.

10. If the Central Repository fails to remove a record as provided in subsection 9, the petitioner may bring an action to compel the removal of the record. If the petitioner prevails in the action, the court may award the petitioner reasonable attorney's fees and costs incurred in bringing the action.

11. If a petition brought pursuant to subsection 2 is denied, the person who is the subject of the record may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.

Sec. 3. NRS 179A.165 is hereby amended to read as follows:

179A.165 1. Any record described in NRS 179A.163 is confidential and is not a public book or record within the meaning of NRS 239.010. A person may not use the record for any purpose other than for inclusion in the appropriate database of the National Instant Criminal Background Check System.

2. If a person or governmental entity is required to transmit, report or take any other action concerning a record pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 179A.163 , 433A.200 or 433A.310, no action for damages may be brought against the person or governmental entity for:

(a) Transmitting or reporting the record or taking any other required action concerning the record;

(b) Failing to transmit or report the record or failing to take any other required action concerning the record;

(c) Delaying the transmission or reporting of the record or delaying in taking any other required action concerning the record; or

(d) Transmitting or reporting an inaccurate or incomplete version of the record or taking any other required action concerning an inaccurate or incomplete version of the record.

Sec. 4. NRS 179A.167 is hereby amended to read as follows:

179A.167 1. The Central Repository shall permit a person who is or believes he or she may be the subject of information relating to records of mental health held by the Central Repository to inspect and correct any information contained in such records.

2. The Central Repository shall adopt regulations and make available necessary forms to permit inspection, review and correction of information relating to records of mental health by those persons who are the subjects thereof. The regulations must specify:

(a) The requirements for proper identification of the persons seeking access to the records; and

(b) The reasonable charges or fees, if any, for inspecting records.

3. The Director of the Department shall adopt regulations governing:

(a) All challenges to the accuracy or sufficiency of information or records of mental health by the person who is the subject of the allegedly inaccurate or insufficient record;

(b) The correction of any information relating to records of mental health found by the Director to be inaccurate, insufficient or incomplete in any material respect;

(c) The dissemination of corrected information to those persons or agencies which have previously received inaccurate or incomplete information; and

(d) A reasonable time limit within which inaccurate or insufficient information relating to records of mental health must be corrected and the corrected information disseminated.

4. As used in this section, "information relating to records of mental health" means information contained in a record:

(a) Transmitted to the Central Repository pursuant to NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 433A.200 or 433A.310; or

(b) Transmitted to the National Instant Criminal Background Check System pursuant to NRS 179A.163.

Sec. 5. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, psychiatrist or licensed psychologist stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty; and

(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or

guardian of the minor that the parent or guardian does not object to the filing of the petition.

3. *If a petition is filed pursuant to this section with the clerk of the district court to commence a proceeding for an involuntary court-ordered admission of a person pursuant to NRS 433A.145 or 433A.150, the court shall:*

(a) Notwithstanding the provisions of NRS 433A.715, cause, on a form prescribed by the Department of Public Safety, a record of the petition to be transmitted to the Central Repository for Nevada Records of Criminal History, along with a statement indicating that the record is being transmitted for inclusion in each appropriate database of the National Instant Criminal Background Check System; and

(b) Notify the person who is the subject of the petition that ~~he or she~~ :

(1) The person is prohibited from purchasing a firearm or ammunition pursuant to NRS 202.362 ~~f~~, and that 3 years after the date of the transmission of the record ;

(2) If the petition is denied because the court finds that the facts do not support involuntary admission pursuant to NRS 433A.310, the court will order immediate removal of the record and relief from the disability pursuant to subsection 4; and

(3) If the petition is deferred, dismissed or denied for any other reason, the person may petition the court pursuant to ~~NRS 179A.163~~ subsection 5 for an order for the removal of the record from the National Instant Criminal Background Check System and relief from the disability.

4. *If the petition is denied because the court finds that the facts do not support involuntary admission of the person pursuant to NRS 433A.310, the court shall:*

(a) Order immediate removal of the record of the petition from the National Instant Criminal Background Check System and relief from the disability to purchase a firearm or ammunition; and

(b) Cause, on a form prescribed by the Department of Public Safety, the order to be transmitted to the Central Repository, along with a statement indicating that the record is to be removed immediately from each appropriate database of the National Instant Criminal Background Check System.

5. *If the petition is deferred, dismissed or denied for any other reason, the person may petition the court pursuant to NRS 179A.163 for an order for the removal of the record from the National Instant Criminal Background Check System and relief from the disability to purchase a firearm or ammunition. If the person files such a petition:*

(a) Less than 3 years after the date on which the record is transmitted to the Central Repository, the person has the burden of proving that he or she is entitled to the requested relief pursuant to subsection 6 of NRS 179A.163.

(b) Three years or more after the date on which the record is transmitted to the Central Repository, the State has the burden of proving that the person

is not entitled to the requested relief pursuant to subsection 6 of NRS 179A.163.

6. As used in this section, "National Instant Criminal Background Check System" has the meaning ascribed to it in NRS 179A.062.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 361 to Senate Bill No. 277 clarifies that ammunition, in addition to firearms, is subject to the provisions of the bill. It also outlines the circumstances and procedures under which the record of a person's involuntary commitment to a mental health facility can be removed from the Central Repository for Nevada Records of Criminal History and related databases.

Amendment adopted.

Senator Kieckhefer moved that Senate Bill No. 277 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Senate Bill No. 327.

Bill read second time.

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

Amendment No. 210.

"SUMMARY—Revises provisions relating to health care professions. (BDR 54-772)"

"AN ACT relating to health care professions; revising provisions to authorize the performance of certain acts in this State by certain health care professionals without regard to whether the professionals are physically located in this State; requiring certain persons to maintain electronic mail addresses with the Board of Medical Examiners; revising provisions governing the issuance of certain licenses to certain graduates of foreign medical schools; requiring the Board ~~[of Medical Examiners]~~ to adopt certain regulations regarding physician assistants; authorizing the Board to make service of process by electronic mail under certain circumstances; revising provisions governing the practice of telemedicine by an osteopathic physician; prohibiting the State Board of Pharmacy from conditioning, limiting, restricting or denying the issuance of a certificate, license, registration, permit or authorization based on certain grounds; revising provisions relating to telepharmacies, remote sites and satellite consultation sites; revising provisions relating to the procedure for filling certain prescriptions; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of "practice of medicine" to include acts performed without regard to whether the practitioner is physically located in this State.

Existing law requires a person who is licensed under chapter 630 of NRS to maintain a permanent mailing address with the Board of Medical

Examiners. (NRS 630.254) Section 2 of this bill requires a licensee who engages in the practice of medicine under certain circumstances to maintain an electronic mail address with the Board.

Existing law requires an inactive registrant to maintain a permanent mailing address with the Board. (NRS 630.255) Section 3 of this bill requires a licensee who has changed his or her practice of medicine from this State to another state or country, and any inactive registrant, to maintain an electronic mail address with the Board.

Existing law authorizes the issuance of a special purpose license to a physician who is licensed in another state. (NRS 630.261) Section ~~4~~ 4 of this bill provides that a physician so licensed may perform specified acts without regard to whether the physician is located in this State.

Section ~~4~~ 5 of this bill revises the provisions authorizing the issuance of restricted licenses to certain graduates of a foreign medical school.

Section ~~4~~ 6 of this bill revises provisions requiring the Board of Medical Examiners to adopt certain regulations regarding physician assistants.

Existing law requires service of process under chapter 630 of NRS to be made on a licensee personally, or by registered or certified mail. (NRS 630.344) Section 7 of this bill authorizes service of process by electronic mail under certain circumstances.

Existing law authorizes a registered nurse who is certified as an advanced practitioner of nursing to perform certain acts. (NRS 632.237) Sections ~~5~~ 8 and ~~6~~ 9 of this bill authorize an advanced practitioner of nursing to perform those acts by using certain technology, whether or not the advanced practitioner of nursing is located in this State.

Section ~~7~~ 10 of this bill revises provisions governing the practice of telemedicine by an osteopathic physician.

Section ~~8~~ 11 of this bill revises the provisions authorizing the issuance of special licenses to certain graduates of a foreign medical school which teaches osteopathic medicine.

Section ~~9~~ 12 of this bill revises provisions relating to the supervision of a physician assistant by a supervising osteopathic physician.

Section ~~14~~ 17 of this bill prohibits the State Board of Pharmacy from conditioning, limiting, restricting or denying the issuance of a certificate, license, registration, permit or authorization based on certain grounds.

Sections ~~10-13~~ 13-16 and ~~15~~ 18 of this bill revise provisions relating to telepharmacies, remote sites and satellite consultation sites.

Section ~~16~~ 19 of this bill revises provisions relating to the procedure for filling certain prescriptions.

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

Section 1. NRS 630.020 is hereby amended to read as follows:

630.020 "Practice of medicine" means:

1. To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or

mental, by any means or instrumentality, including, but not limited to, the performance of an autopsy.

2. To apply principles or techniques of medical science in the diagnosis or the prevention of any such conditions.

3. To perform any of the acts described in subsections 1 and 2 by using equipment that transfers information concerning the medical condition of the patient electronically, telephonically or by fiber optics ~~[-] from within or outside this State or the United States.~~

4. To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections 1 and 2.

Sec. 2. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his or her permanent mailing address shall notify the Board in writing of the new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed \$250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to subsection 10 of NRS 630.306.

2. Any licensee who changes the location of his or her office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location of the medical records of the licensee's patients.

4. In addition to the requirements of subsection 1, any licensee who performs any of the acts described in subsection 3 of NRS 630.020 from outside this State or the United States shall maintain an electronic mail address with the Board to which all communications from the Board to the licensee may be sent.

Sec. 3. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his or her practice of medicine from this State to another state or country, has never engaged in the practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board.

2. Each inactive registrant shall maintain a permanent mailing address with the Board to which all communications from the Board to the registrant must be sent. An inactive registrant who changes his or her permanent mailing address shall notify the Board in writing of the new permanent

mailing address within 30 days after the change. If an inactive registrant fails to notify the Board in writing of a change in his or her permanent mailing address within 30 days after the change, the Board shall impose upon the registrant a fine not to exceed \$250.

3. In addition to the requirements of subsection 2, any licensee who changes the location of his or her practice of medicine from this State to another state or country and any inactive registrant shall maintain an electronic mail address with the Board to which all communications from the Board to him or her may be sent.

4. Before resuming the practice of medicine in this State, the inactive registrant must:

(a) Notify the Board in writing of his or her intent to resume the practice of medicine in this State;

(b) File an affidavit with the Board describing the activities of the registrant during the period of inactive status;

(c) Complete the form for registration for active status;

(d) Pay the applicable fee for biennial registration; and

(e) Satisfy the Board of his or her competence to practice medicine.

~~4.~~ 5. If the Board determines that the conduct or competence of the registrant during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the registrant on active status.

~~Sec. 2.~~ Sec. 4. NRS 630.261 is hereby amended to read as follows:

630.261 1. Except as otherwise provided in NRS 630.161, the Board may issue:

(a) A locum tenens license, to be effective not more than 3 months after issuance, to any physician who is licensed and in good standing in another state, who meets the requirements for licensure in this State and who is of good moral character and reputation. The purpose of this license is to enable an eligible physician to serve as a substitute for another physician who is licensed to practice medicine in this State and who is absent from his or her practice for reasons deemed sufficient by the Board. A license issued pursuant to the provisions of this paragraph is not renewable.

(b) A special license to a licensed physician of another state to come into this State to care for or assist in the treatment of his or her own patient in association with a physician licensed in this State. A special license issued pursuant to the provisions of this paragraph is limited to the care of a specific patient. The physician licensed in this State has the primary responsibility for the care of that patient.

(c) A restricted license for a specified period if the Board determines the applicant needs supervision or restriction.

(d) A temporary license for a specified period if the physician is licensed and in good standing in another state and meets the requirements for licensure in this State, and if the Board determines that it is necessary in order to provide medical services for a community without adequate medical

care. A temporary license issued pursuant to the provisions of this paragraph is not renewable.

(e) A special purpose license to a physician who is licensed in another state to ~~permit the use of~~ *perform any of the acts described in subsections 1 and 2 of NRS 630.020 by using* equipment that transfers information concerning the medical condition of a patient in this State ~~across state lines~~ electronically, telephonically or by fiber optics ~~from within or outside this State or the United States.~~

2. For the purpose of paragraph (e) of subsection 1, the physician must:

(a) Hold a full and unrestricted license to practice medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties or its successor.

3. Except as otherwise provided in this section, the Board may renew or modify any license issued pursuant to subsection 1.

~~Sec. 3.~~ Sec. 5. NRS 630.2645 is hereby amended to read as follows:

630.2645 1. Except as otherwise provided in NRS 630.161, the Board may issue a restricted license *to teach, research or practice medicine* to a person ~~who:~~

~~(a) Is~~ if:

(a) *The person:*

(1) *Submits to the Board:*

(I) *Proof that the person is a graduate of a foreign medical school* ~~;~~

~~(b) Teaches,~~ *, as provided in NRS 630.195;*

(II) *Proof that the person teaches, researches or practices medicine outside the United States* ~~;~~

~~(c) Is a recognized medical expert; and~~

~~(d)~~ *; and*

(III) *Any other documentation or proof of qualifications required by the Board; and*

(2) *Intends to teach, research or practice* ~~clinical~~ *medicine at a medical facility, medical research facility or medical school in this State.*

(b) *Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.*

2. A person who applies for a restricted license pursuant to this section is not required to take or pass a written examination concerning his or her qualifications to practice medicine ~~. but the person must satisfy the requirements for a restricted license set forth in regulations adopted by the Board.~~

3. A person who holds a restricted license issued pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a restricted license issued pursuant to this section ceases to teach, research or practice ~~clinical~~ medicine in this State at the *medical facility*, medical research facility or medical school where the person is employed:

(a) The *medical facility*, medical research facility or medical school, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the restricted license expires automatically.

5. The Board may renew or modify a restricted license issued pursuant to this section, unless the restricted license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a restricted license to an applicant in accordance with any other provision of this chapter.

7. *A restricted license to teach, research or practice medicine may be issued, renewed or modified at a meeting of the Board or between its meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.*

~~[Sec. 4.]~~ Sec. 6. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The tests or examinations of applicants by the Board.

5. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.

6. The duration, renewal and termination of licenses.

7. The grounds and procedures respecting disciplinary actions against physician assistants.

8. The supervision of medical services of a physician assistant by a supervising physician ~~[-]~~, *including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.*

9. *A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.*

Sec. 7. NRS 630.344 is hereby amended to read as follows:

630.344 1. ~~[Service]~~ Except as otherwise provided in subsection 2, service of process under this chapter must be made on a licensee personally, or by registered or certified mail with return receipt requested addressed to

the licensee at his or her last known address. If personal service cannot be made and if notice by mail is returned undelivered, the Secretary-Treasurer of the Board shall cause notice to be published once a week for 4 consecutive weeks in a newspaper published in the county of the last known address of the licensee or, if no newspaper is published in that county, then in a newspaper widely distributed in that county.

2. In lieu of the methods of service of process set forth in subsection 1, service of process under this chapter may be made by electronic mail on a licensee who engages in the practice of medicine as described in subsection 3 of NRS 630.020.

3. Proof of service of process or publication of notice made under this chapter must be filed with the Board and recorded in the minutes of the Board.

~~[Sec. 5.]~~ Sec. 8. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who has completed an educational program designed to prepare a registered nurse to:

- (a) Perform designated acts of medical diagnosis;
 - (b) Prescribe therapeutic or corrective measures; and
 - (c) Prescribe controlled substances, poisons, dangerous drugs and devices,
- ↪ and who meets the other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

- (a) Engage in selected medical diagnosis and treatment; and
 - (b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices,
- ↪ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. *An advanced practitioner of nursing may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.*

4. The Board shall adopt regulations:

- (a) Specifying the training, education and experience necessary for certification as an advanced practitioner of nursing.
- (b) Delineating the authorized scope of practice of an advanced practitioner of nursing.
- (c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

~~[Sec. 6.]~~ Sec. 9. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who:

(a) Has completed an educational program designed to prepare a registered nurse to:

- (1) Perform designated acts of medical diagnosis;
- (2) Prescribe therapeutic or corrective measures; and
- (3) Prescribe controlled substances, poisons, dangerous drugs and devices;

(b) Except as otherwise provided in subsection ~~[4.]~~ 5, submits proof that he or she is certified as an advanced practitioner of nursing by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

(c) Meets any other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

- (a) Engage in selected medical diagnosis and treatment; and
- (b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices,
→ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. *An advanced practitioner of nursing may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.*

4. The Board shall adopt regulations:

- (a) Specifying any additional training, education and experience necessary for certification as an advanced practitioner of nursing.
- (b) Delineating the authorized scope of practice of an advanced practitioner of nursing.
- (c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

~~[4.]~~ 5. The provisions of paragraph (b) of subsection 1 do not apply to an advanced practitioner of nursing who obtains a certificate of recognition before July 1, 2014.

~~[Sec. 7.]~~ Sec. 10. NRS 633.165 is hereby amended to read as follows:

633.165 1. An osteopathic physician may engage in telemedicine ~~in~~ *from within or outside this State or the United States* if he or she possesses an unrestricted license to practice osteopathic medicine in this State pursuant to this chapter. If an osteopathic physician engages in telemedicine with a patient who is physically located in another state or territory of the United States, the osteopathic physician shall, before engaging in telemedicine with the patient, take any steps necessary to be authorized or licensed to practice

osteopathic medicine in the other state or territory of the United States in which the patient is physically located.

2. Except as otherwise provided in subsections 3 and 4, before an osteopathic physician may engage in telemedicine pursuant to this section:

(a) A bona fide relationship between the osteopathic physician and the patient must exist which must include, without limitation, a history and ~~[physical]~~ *an examination or consultation which occurred in person or through the use of telemedicine* and which was sufficient to establish a diagnosis and identify any underlying medical conditions of the patient.

(b) The osteopathic physician must obtain informed ~~[written]~~ consent from the patient or the legal representative of the patient to engage in telemedicine with the patient. The osteopathic physician shall ~~[maintain]~~ document the consent ~~[form]~~ as part of the permanent medical record of the patient.

(c) The osteopathic physician must inform the patient : ~~[both orally and in writing.]~~

(1) That the patient or the legal representative of the patient may withdraw the consent provided pursuant to paragraph (b) at any time;

(2) Of the potential risks, consequences and benefits of telemedicine;

(3) Whether the osteopathic physician has a financial interest in the Internet website used to engage in telemedicine or in the products or services provided to the patient via telemedicine; and

(4) That the transmission of any confidential medical information while engaged in telemedicine is subject to all applicable federal and state laws with respect to the protection of and access to confidential medical information. ~~[and]~~

~~(5) That the osteopathic physician will not release any confidential medical information without the express, written consent of the patient or the legal representative of the patient.]~~

3. An osteopathic physician is not required to comply with the provisions of paragraph (a) of subsection 2 if the osteopathic physician engages in telemedicine for the purposes of making a diagnostic interpretation of a medical examination, study or test of the patient.

4. An osteopathic physician is not required to comply with the provisions of paragraph (a) or (c) of subsection 2 in an emergency medical situation.

5. The provisions of this section must not be interpreted or construed to:

(a) Modify, expand or alter the scope of practice of an osteopathic physician pursuant to this chapter; or

(b) Authorize the practice of osteopathic medicine or delivery of care by an osteopathic physician in a setting that is not authorized by law or in a manner that violates the standard of care required of an osteopathic physician pursuant to this chapter.

6. As used in this section, "telemedicine" means the practice of osteopathic medicine ~~[through the synchronous or asynchronous transfer of medical data or information using interactive audio, video or data]~~

~~communication, other than through a standard telephone, facsimile transmission or electronic mail message.] by using equipment that transfers information concerning the medical condition of a patient electronically, telephonically or by fiber optics.~~

~~[Sec. 8.]~~ Sec. 11. NRS 633.415 is hereby amended to read as follows:

633.415 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license *to teach, research or practice osteopathic medicine* to a person ~~[who:~~

~~(a) Is] if:~~

(a) *The person:*

(1) *Submits to the Board:*

(I) *Proof that the person is a graduate of a foreign school which teaches osteopathic medicine;*

~~[(b) Teaches,]~~

(II) *Proof that the person teaches, researches or practices osteopathic medicine outside the United States;*

~~[(c) Is a recognized expert in osteopathic medicine;]~~ and

~~[(d)]~~ (III) *Any other documentation or proof of qualifications required by the Board; and*

(2) *Intends to teach, research or practice [clinical] osteopathic medicine at a medical facility, medical research facility or school of osteopathic medicine in this State.*

(b) *Any other documentation or proof of qualifications required by the Board is authenticated in a manner approved by the Board.*

2. A person who applies for a special license *pursuant to this section* is not required to take or pass a written examination concerning his or her qualifications to practice osteopathic medicine. ~~[, but the person must satisfy the requirements for a special license set forth in regulations adopted by the Board.]~~

3. A person who holds a special license issued pursuant to this section may practice osteopathic medicine in this State only in accordance with the terms and restrictions established by the Board.

4. If a person who holds a special license issued pursuant to this section ceases to teach, research or practice ~~[clinical]~~ osteopathic medicine in this State at the *medical facility, medical research facility or school of osteopathic medicine* where the person is employed:

(a) The *medical facility, medical research facility or school of osteopathic medicine*, as applicable, shall notify the Board; and

(b) Upon receipt of such notification, the special license expires automatically.

5. The Board may renew or modify a special license issued pursuant to this section, unless the special license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a special license to an applicant in accordance with any other provision of this chapter.

7. *A special license to teach, research or practice osteopathic medicine may be issued, renewed or modified at a meeting of the Board or between its meetings by the President and the Executive Director of the Board. Such an action shall be deemed to be an action of the Board.*

~~[Sec. 9.]~~ Sec. 12. NRS 633.469 is hereby amended to read as follows:

633.469 1. A supervising osteopathic physician shall provide supervision to his or her physician assistant continuously whenever the physician assistant is performing his or her professional duties.

2. Except as otherwise provided in subsection 3, a ~~44~~ supervising osteopathic physician may provide supervision to his or her physician assistant in person ~~for by telecommunication.~~, electronically, telephonically or by fiber optics. When providing supervision ~~by telecommunication,~~ *electronically, telephonically or by fiber optics*, a supervising osteopathic physician may be at a different site than the physician assistant ~~[-]~~, *including a site located within or outside this State or the United States.*

3. A supervising osteopathic physician shall provide supervision to his or her physician assistant in person at all times during the first 30 days that the supervising osteopathic physician supervises the physician assistant. ~~[After the first 30 days, the supervising osteopathic physician shall not regularly maintain the physician assistant at a different site than the supervising osteopathic physician.]~~ The provisions of this subsection do not apply to a federally qualified health center.

4. Before beginning to supervise a physician assistant, a supervising osteopathic physician must communicate to the physician assistant:

- (a) The scope of practice of the physician assistant;
- (b) The access to the supervising osteopathic physician that the physician assistant will have; and
- (c) Any processes for evaluation that the supervising osteopathic physician will use to evaluate the physician assistant.

5. A supervising osteopathic physician shall not delegate to his or her physician assistant, and the physician assistant shall not accept, a task that is beyond the physician assistant's capability to complete safely.

6. As used in this section, "federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

~~[Sec. 10.]~~ Sec. 13. NRS 639.0151 is hereby amended to read as follows:

639.0151 "Remote site" means:

1. A pharmacy staffed by a pharmaceutical technician and equipped to facilitate communicative access to a pharmacy and its registered pharmacists; or

2. An office ~~[-]~~

~~(a) Of~~ of a dispensing practitioner ~~{who is employed by a nonprofit entity}~~ that is ~~{designated as a federally qualified health center; and~~

~~(b) That is:~~

~~(1) Staffed~~ *staffed* by a dispensing technician ~~{;}~~ and

~~{(2) Equipped}~~ *equipped* to facilitate communicative access to the dispensing practitioner,

➔ ~~{via computer link, video link and audio link}~~ *electronically, telephonically or by fiber optics* during regular business hours ~~{;}~~ *from within or outside this State or the United States.*

~~{Sec. 11.}~~ Sec. 14. NRS 639.0153 is hereby amended to read as follows:

639.0153 "Satellite consultation site" means a site that only dispenses filled prescriptions which are delivered to that site after the prescriptions are prepared:

1. At a pharmacy where a registered pharmacist provides consultation to patients ~~{via computer link, video link and audio link during regular business hours;}~~ ; or

2. At an office ~~{;~~

~~(a) Of~~ of a dispensing practitioner ~~{who is employed by a nonprofit entity that is designated as a federally qualified health center; and~~

~~(b) Where}~~ *where* the dispensing practitioner provides consultation to patients ~~{via computer link, video link and audio link}~~ ,

➔ *electronically, telephonically or by fiber optics* during regular business hours ~~{;}~~ *from within or outside this State or the United States.*

~~{Sec. 12.}~~ Sec. 15. NRS 639.0154 is hereby amended to read as follows:

639.0154 "Telepharmacy" means:

1. A pharmacy; or

2. An office of a dispensing practitioner , ~~{who is employed by a nonprofit entity that is designated as a federally qualified health center;}~~

➔ that is accessible by a remote site or a satellite consultation site ~~{via computer link, video link and audio link}~~ *electronically, telephonically or by fiber optics from within or outside this State or the United States.*

~~{Sec. 13.}~~ Sec. 16. NRS 639.0727 is hereby amended to read as follows:

639.0727 The Board shall adopt regulations:

1. As are necessary for the safe and efficient operation of remote sites, satellite consultation sites and telepharmacies; ~~{and}~~

2. To define the terms "dispensing practitioner" and "dispensing technician," to provide for the registration and discipline of dispensing practitioners and dispensing technicians, and to set forth the qualifications, powers and duties of dispensing practitioners and dispensing technicians ~~{;}~~ ;

3. *To authorize registered pharmacists to engage in the practice of pharmacy electronically, telephonically or by fiber optics from within* ~~{for outside}~~ *this State; for the United States;}* and

4. *To authorize prescriptions to be filled and dispensed to patients as prescribed by practitioners electronically, telephonically or by fiber optics from within or outside this State or the United States.*

~~[Sec. 14.]~~ Sec. 17. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

3. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

4. Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

5. *The Board shall not condition, limit, restrict or otherwise deny to a ~~dispensing~~ prescribing practitioner the issuance of a certificate, license, registration, permit or authorization to ~~dispense~~ prescribe controlled substances or dangerous drugs because the practitioner is located outside this State.*

~~[Sec. 15.]~~ Sec. 18. NRS 639.23277 is hereby amended to read as follows:

639.23277 1. In addition to the requirements set forth in this chapter and any other specific statute, a remote site or satellite consultation site must be located:

(a) At least 50 miles or more from the nearest pharmacy; and

(b) In a service area with a total population of less than 2,000.

2. A remote site or satellite consultation site may be operated by:

(a) A pharmaceutical technician without the physical presence of a managing pharmacist, except that the managing pharmacist of the telepharmacy shall also be deemed the managing pharmacist of the remote site or satellite consultation site; or

(b) A dispensing technician without the physical presence of a dispensing practitioner, ~~[who is employed by a nonprofit entity that is designated as a federally qualified health center]~~, except that the dispensing practitioner of the telepharmacy shall also be deemed the managing pharmacist of the remote site or satellite consultation site.

3. The Board shall adopt regulations for the purposes of this section, which establish the manner of determining a "service area." Such a "service area" must be a geographical area of between 5 and 10 miles in radius. In adopting the regulations, the Board may consider, without limitation, the ease or difficulty of access to the nearest pharmacy and the availability of roadways.

~~[Sec. 16.]~~ Sec. 19. NRS 639.235 is hereby amended to read as follows:

639.235 1. No person other than a practitioner holding a license to practice his or her profession in this State may prescribe or write a prescription, except that a prescription written by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, shall be deemed to be a legal prescription unless the person prescribed or wrote the prescription in violation of the provisions of NRS 453.3611 to 453.3648, inclusive.

2. If a prescription that is prescribed by a person who is not licensed to practice in this State, but is authorized by the laws of another state to prescribe, calls for a controlled substance listed in:

(a) Schedule II, the registered pharmacist who is to fill the prescription shall establish and document that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written.

(b) Schedule III or IV, the registered pharmacist who is to fill the prescription shall establish that the prescription is authentic and that a bona fide relationship between the patient and the person prescribing the controlled substance did exist when the prescription was written. This paragraph does not require the registered pharmacist to inquire into such a relationship upon the receipt of a similar prescription subsequently issued for that patient.

3. A pharmacist who fills a prescription described in subsection 2 shall record on the prescription or in the prescription record in the pharmacy's computer:

(a) The name of the person with whom the pharmacist spoke concerning the prescription;

(b) The date and time of the conversation; and

(c) The date and time the patient was ~~physically~~ examined by the person prescribing the controlled substance for which the prescription was issued.

4. For the purposes of subsection 2, a bona fide relationship between the patient and the person prescribing the controlled substance shall be deemed to exist if the patient was ~~physically~~ examined *in person, electronically, telephonically or by fiber optics within or outside this State or the United States* by the person prescribing the controlled substances within the 6 months immediately preceding the date the prescription was issued.

~~[Sec. 17.]~~ Sec. 20. NRS 639.0072 is hereby repealed.

~~[Sec. 18.]~~ Sec. 21. 1. This section and sections 1 to ~~[5.]~~ 8, inclusive, and ~~[7.]~~ 10 to ~~[17.]~~ 20, inclusive, of this act become effective upon passage and approval.

2. Section ~~[5.]~~ 8 of this act expires by limitation on June 30, 2014.

3. Section ~~[6.]~~ 9 of this act becomes effective on July 1, 2014.

TEXT OF REPEALED SECTION

639.0072 "Federally qualified health center" defined. "Federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(1)(2)(B).

Senator Jones moved the adoption of the amendment.

Remarks by Senator Jones.

Thank you, Mr. President. Amendment No. 210 to Senate Bill No. 327 requires that a supervising osteopathic physician provide supervision to his or her physician assistant in person during the first 30 days of supervision. It authorizes registered pharmacists to engage in the practice of pharmacy electronically, telephonically or by fiber optics only within Nevada. The amendment requires that a person licensed by the Board of Medical Examiners and who practices telemedicine must keep a current electronic mail address for receipt of any and all correspondence with the Board. Finally, it clarifies that an osteopathic physician who engages in telemedicine must document the consent with the patient in order to engage in telemedicine with the patient.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 352.

Bill read second time.

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

Amendment No. 490.

"SUMMARY—Revises provisions relating to the Silver State Health Insurance Exchange. (BDR 57-1057)"

"AN ACT relating to insurance; revising provisions governing the ~~membership~~ voting members of the Board of Directors of the Silver State Health Insurance Exchange; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Silver State Health Insurance Exchange is governed by a Board of Directors. The Board consists of seven voting members and three ex officio nonvoting members. Existing law provides that five of the voting members are appointed by the Governor, one voting member is appointed by the Senate Majority Leader and one voting member is appointed by the Speaker of the Assembly. Under existing law, the voting members of the Board are required to possess expertise or experience in one of several industries or as a consumer or consumer advocate for those who would benefit from the services provided by the Exchange, ~~and are prohibited from being affiliated with a health insurer. (NRS 695I.300)~~ ~~[Section 1 of this bill adds two additional voting members to the Board who are to be appointed by the Governor. Section 1 also requires that each voting member of the Board have a minimum of 5 years of experience in one of the various industries listed, or as a consumer or consumer advocate, and adds to that list experience in the large employer health insurance market and experience in the insurance industry generally. Section 1 also]~~ This bill removes the prohibition ~~on~~ against any voting member of the Board being affiliated with a health insurer. ~~[Section 2 of this bill requires the Governor to appoint two new voting members to the Board on or before July 1, 2013, one with at least 5 years of experience in the large employer health insurance market and one with at least 5 years of experience in the insurance industry generally. Section 3 of this bill provides that the amendatory provisions of this bill do not affect the current term of appointment of any person who, as of the effective date of this act, is a voting member of the Board.]~~

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

Section 1. NRS 695I.300 is hereby amended to read as follows:

695I.300 1. The governing authority of the Exchange is the Board, consisting of seven ~~nine~~ voting members and three ex officio nonvoting members.

2. Subject to the provisions of subsections 3, 4 and 5:

- (a) The Governor shall appoint five ~~seven~~ voting members of the Board;
- (b) The Senate Majority Leader shall appoint one voting member of the Board; and
- (c) The Speaker of the Assembly shall appoint one voting member of the Board.

3. Each voting member of the Board must have: ~~a minimum of 5 years of experience;~~

- (a) Expertise in ~~In~~ the individual or small employer health insurance market;
- (b) Expertise in ~~In the large employer health insurance market;~~
- ~~(c) In the insurance industry generally;~~
- ~~(d) In~~ health care administration, health care financing or health information technology;
- (c) Expertise in

~~f (c) In~~ the administration of health care delivery systems;

(d) Experience as

~~f (d) As~~ a consumer who would benefit from services provided by the Exchange; or

(e) Experience as

~~f (e) As~~ a consumer advocate, including, without limitation, experience in consumer outreach and education for those who would benefit from services provided by the Exchange.

4. When making an appointment pursuant to subsection 2, the Governor, the Majority Leader and the Speaker of the Assembly shall consider the collective expertise and experience of the voting members of the Board and shall attempt to make each appointment so that:

(a) The areas of expertise and experience described in subsection 3 are collectively represented by the voting members of the Board; and

(b) The voting members of the Board represent a range and diversity of skills, knowledge, experience and geographic and stakeholder perspectives.

5. A voting member of the Board may not be a Legislator or hold any elective office in State Government.

6. ~~[While serving on the Board, a voting member may not be in any way affiliated with a health insurer, including, without limitation, being an employee of, consultant to or member of the board of directors of a health insurer, having an ownership interest in a health insurer or otherwise being a representative of a health insurer.]~~

7.] The following are ex officio nonvoting members of the Board who shall assist the voting members of the Board by providing advice and expertise:

(a) The Director of the Department of Health and Human Services, or his or her designee;

(b) The Director of the Department of Business and Industry, or his or her designee; and

(c) The Director of the Department of Administration, or his or her designee.

~~f 7. As used in this section, "large employer" means an employer who employed on business days during the preceding calendar year an average of more than 50 employees who have a normal workweek of 30 hours or more.]~~

Sec. 2. ~~[On or before July 1, 2013, the Governor shall appoint to the Board of Directors of the Silver State Health Insurance Exchange:~~

~~1. One voting member who has a minimum of 5 years of experience in the large employer health insurance market, to a term commencing on July 1, 2013, and expiring on June 30, 2016.~~

~~2. One voting member who has a minimum of 5 years of experience in the insurance industry generally, to a term commencing on July 1, 2013, and expiring on June 30, 2015.] (Deleted by amendment.)~~

Sec. 3. ~~[The amendatory provisions of this act do not affect the current term of appointment of any person who is, on the effective date of this act, a~~

~~voting member of the Board of Directors of the Silver State Health Insurance Exchange.] (Deleted by amendment.)~~

Sec. 4. This act becomes effective upon passage and approval.

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Thank you, Mr. President. Amendment No. 490 to Senate Bill No. 352 came through the Senate Committee on Commerce, Labor and Energy. The amendment seeks to clean up some of the issues that were raised.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 371.

Bill read second time.

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

Amendment No. 301.

"SUMMARY—Prohibits a person from intentionally feeding any ~~[species of wildlife other than a wild bird.]~~ big game mammal under certain circumstances. (BDR 45-838)"

"AN ACT relating to wildlife; prohibiting a person from intentionally feeding any ~~[species of wildlife other than a wild bird.]~~ big game mammal under certain circumstances; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Under existing law, the term "wildlife" means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not. (NRS 501.097)]~~

This bill prohibits a person from intentionally feeding any ~~[species of wildlife other than a wild bird. The]~~ big game mammal without written authorization from the Department of Wildlife. For the purpose of this prohibition, the term "big game mammal" is defined to mean any pronghorn antelope, black bear, mule deer, mountain goat, mountain lion, Rocky Mountain elk or certain subspecies of bighorn sheep and "intentionally feed" is defined [for purposes of this prohibition] to mean supplying, providing or otherwise making available any salt, grain, meat or other form of nourishment [For purposes of the prohibition the] with the intent to attract or feed a big game mammal. The term is limited so that it does not include [-(1)] any incidental or unintentional feeding of [wildlife,] a big game mammal, including, without limitation, any such feeding associated with certain agricultural, landscaping or outdoor activities . [; or (2) any humming conducted in accordance with certain administrative regulations.]
If a person is found guilty of intentionally feeding a ~~[species of wildlife other than a wild bird.]~~ big game mammal, the person: (1) for a first offense, must be ~~[punished by a fine of \$250;]~~ issued a written warning; (2) for a second

offense, must be punished by a fine of ~~[\$500,]~~ not more than \$250; and (3) for a third or subsequent offense, ~~[is guilty of a misdemeanor and]~~ must be punished by ~~[imprisonment in the county jail for not more than 6 months or by]~~ a fine of ~~[not more than \$1,000, or by both fine and imprisonment, unless a different penalty is prescribed by the statute in force at the time of commission of the misdemeanor.]~~ not more than \$500. This bill also provides an exception from the prohibition against intentionally feeding a big game mammal for any employee or agent of the Department or the Animal and Plant Health Inspection Service of the United States Department of Agriculture while carrying out his or her duties as such an employee or agent.

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~1. Except as otherwise provided in subsection 3, a person shall not intentionally feed any [species of wildlife other than a wild bird.] big game mammal without written authorization from the Department.~~

2. A person who violates subsection 1:

(a) For a first offense, ~~[shall be punished by a fine of \$250.] must not be cited or charged criminally but must be informed, in writing, of the behavior that constitutes the violation and the penalties prescribed by this section for any subsequent violation of this section.~~

(b) For a second offense, shall be punished by a fine of ~~[\$500,]~~ not more than \$250.

(c) For a third or subsequent offense, ~~[is guilty of a misdemeanor and]~~ shall be punished ~~[as provided in NRS 193.150.]~~ by a fine of not more than \$500.

3. The provisions of this section do not apply to any employee or agent of the Department or the Animal and Plant Health Inspection Service of the United States Department of Agriculture who, while carrying out his or her duties, intentionally feeds a big game mammal for any purpose.

4. As used in this section ~~f, "intentionally"~~ :

(a) "Big game mammal" means:

(1) Any pronghorn antelope, black bear, mule deer, mountain goat, mountain lion or Rocky Mountain elk; or

(2) Any of the following subspecies of bighorn sheep:

(I) Nelson bighorn sheep;

(II) California bighorn sheep; or

(III) Rocky Mountain bighorn sheep.

(b) "Intentionally feed" means to supply, provide or otherwise make available any salt, grain, meat or other form of nourishment ~~f,]~~ with the intent to attract or feed a big game mammal. The term does not include ~~f,~~

~~(a) Any]~~ any incidental or unintentional feeding of ~~[wildlife,]~~ a big game mammal, including, without limitation, any such feeding associated with:

(1) Any accepted agricultural or livestock practice;

(2) Any planting or maintenance of any shrub, tree or other landscaping for any residence, property or area; or

(3) Any sporting event or outdoor activity at which food is served or consumed. ~~for~~

~~(b) Any chumming conducted in accordance with a regulation adopted pursuant to NRS 503.300.~~

Sec. 2. NRS 501.005 is hereby amended to read as follows:

501.005 ~~["Big"]~~ Except as otherwise provided in section 1 of this act, "big game mammal" means any game mammal so classified by Commission regulation.

Sec. 3. NRS 501.386 is hereby amended to read as follows:

501.386 ~~["Whenever"]~~ Except as otherwise provided in section 1 of this act, whenever any person is halted by a game warden for any violation of this title, the person ~~["shall"]~~ must, in the discretion of the game warden, either be given a citation or be taken without unnecessary delay before the proper magistrate. The person ~~["shall"]~~ must be taken before the magistrate in either of the following cases:

1. When the person does not furnish satisfactory evidence of identity; or
2. When the game warden has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 301 to Senate Bill No. 371 specifies that the prohibition against intentionally feeding wild animals only applies to the feeding of big game mammals. It clarifies that, for a first offense, a person must not be cited and instead be informed in writing that the intentional feeding constitutes a violation. It also revises the fines for a second offense to \$250 and third or subsequent offenses to \$500. It removes the misdemeanor penalty for a third offense.

Amendment No. 301 to Senate Bill No. 371 provides an exemption for an employee or agent of the Nevada Department of Wildlife or the Animal and Plant Health Inspection Service of the United States Department of Agriculture. It also defines "big game mammal" to include antelope, black bear, mule deer, mountain goat, mountain lion, elk or bighorn sheep.

Finally, it deletes "chumming" from the bill in order to protect coyotes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 399.

Bill read second time.

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

Amendment No. 495.

"SUMMARY—Revises provisions relating to special fuels. (BDR 51-1052)"

"AN ACT relating to special fuels; prohibiting certain conduct related to the sale of biodiesel, biomass-based diesel or biomass-based diesel blend that does not conform to certain specifications; amending the definition of "biodiesel" and defining "biomass-based diesel" and "biomass-based diesel

blend” for the purpose of provisions relating to taxes imposed on special fuels; amending the definition of “special fuel” for the purpose of provisions relating to taxes imposed on special fuels; revising the conversion factor of compressed natural gas for purposes of the taxation of the sale or use of compressed natural gas; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that it is a misdemeanor to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture. (NRS 590.070, 590.150) Section 1 of this bill provides that it is also a misdemeanor to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale biodiesel that does not conform to certain standards of ASTM International.

Under existing law, special fuels which include, without limitation, biodiesel, biodiesel blend and an emulsion of water-phased hydrocarbon fuel, are taxed at the rate of 27 cents per gallon. (NRS 366.060, 366.190) Section 3 of this bill specifies that diesel, biodiesel and biodiesel blend are the fuels taxed at that rate.

Existing law defines "biodiesel" as any fuel composed of mono-alkyl esters of long-chain fatty acids or any other fuel sold or labeled as biodiesel which is suitable for use as a fuel in a motor vehicle. (NRS 366.022) Biodiesel fuels are considered "special fuels" for the purpose of taxes imposed on fuels. (NRS 366.060, 366.190) Section 2 of this bill revises the definition of "biodiesel" so that fuels other than those composed of mono-alkyl esters of long-chain fatty acids must be derived from renewable resources and must be suitable for use in a diesel engine to be considered a biodiesel fuel.

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

Section 1. NRS 590.070 is hereby amended to read as follows:

590.070 1. The State Board of Agriculture shall adopt by regulation specifications for motor vehicle fuel ~~other than biodiesel.~~

(a) Based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the specifications is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or

(b) Proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. As used in this paragraph, "air pollution control agency" means any federal air pollution control agency or any state, regional or local agency that has the authority pursuant to chapter 445B of NRS to regulate or control air pollution or air quality in any area of this State.

2. The State Board of Agriculture shall adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel adopted pursuant to this section.

3. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale ~~[-any]~~ :

(a) Any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture pursuant to this section.

(b) Any biodiesel unless it:

(1) Is composed of mono-alkyl esters of long-chain fatty acids and conforms to ASTM International Standard D6751, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels"; ~~for~~

(2) Conforms to ASTM International Standard D975, "Standard Specification for Diesel Fuel Oils ~~[-]~~"; or

(3) Conforms to a current standard of ASTM International for biodiesel.

4. This section does not apply to aviation fuel.

5. In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.

6. As used in this section, "biodiesel" has the meaning ascribed to it in NRS 366.022.

Sec. 2. NRS 366.022 is hereby amended to read as follows:

366.022 "Biodiesel" means a fuel composed of mono-alkyl esters of long-chain fatty acids or any other fuel ~~[-sold or labeled as biodiesel]~~ derived from renewable resources which is suitable for use as a fuel in a ~~[-motor vehicle]~~ diesel engine.

Sec. 3. NRS 366.190 is hereby amended to read as follows:

366.190 ~~[-1. Except as otherwise provided in subsection 2, a tax is hereby imposed at the rate of 27 cents per gallon on the sale or use of special fuels.~~

~~2.]~~ A tax is hereby imposed at:

~~[(a)]~~ 1. The rate of 19 cents per gallon on the sale or use of an emulsion of water-phased hydrocarbon fuel;

~~[(b)]~~ 2. The rate of 22 cents per gallon on the sale or use of liquefied petroleum gas; ~~and~~

~~[(c)]~~ 3. The rate of 21 cents per gallon on the sale or use of compressed natural gas ~~[-]~~; and

4. The rate of 27 cents per gallon on the sale or use of:

(a) Diesel;

(b) Biodiesel; and

(c) Biodiesel blend.

Sec. 4. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory

administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2014, for all other purposes.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 495 to Senate Bill No. 399 clarifies that the definition of “biodiesel” can conform with current American Society for Testing and Materials International standards, even if the American Society for Testing and Materials might make adjustments to the definition. It also deletes “other than biodiesel” in Subsection 1 of Section 1, to clarify that the State Board of Agriculture may include all motor vehicle fuels in fuel specification regulations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 369.

"SUMMARY—Makes various changes relating to certain required investigations of the background and personal history of certain persons as a condition of employment, licensure, certification and other privileges. (BDR 40-1137)"

"AN ACT relating to public health; authorizing the Health Division of the Department of Health and Human Services to establish an Internet website for certain entities to conduct required background investigations; revising provisions relating to the licensing of certain medical and other related health facilities; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires certain entities to conduct a background investigation of the criminal and personal history of certain persons. (NRS 62B.270, 424.031, 424.039, 427A.701, 427A.735, 432.100, 432A.170, 432A.175, 432B.391, 432B.625, 433B.183, 435B.235, 435.335, 449.122, 449.123) Section 2 of this bill authorizes the Health Division of the Department of Health and Human Services to establish an Internet website for use by these entities in conducting the required investigations. Section 3 of this bill describes the information that may be obtained from a search of the Internet website. Section 3.5 of this bill authorizes a person who has access to the Internet website to enter and manage information on the Internet website. Section 4 of this bill allows the Health Division to enter into cooperative agreements to obtain and accept information for inclusion on the Internet website. Section 5 of this bill describes information that may be collected, maintained and stored on the Internet website. Section 6 of this bill requires the Health Division to limit access to information on the Internet website to information that is necessary for the particular client using the website to conduct an investigation. Section 7 of this bill authorizes the Health Division

to adopt regulations to establish a fee for use of the Internet website and to carry out the provisions relating to the Internet website.

Existing law requires investigations of applicants for a license to operate certain facilities, agencies or homes and investigations of employees or independent contractors of certain agencies, facilities or homes. (NRS 449.122, 449.123) Section 10 of this bill provides certain requirements relating to employees of a temporary employment service. Sections 9 and 13-16 of this bill add certain facilities, agencies, homes and programs which are required to be investigated and to conduct investigations of their employees, employees from a temporary employment service and independent contractors. Sections 14-16 ~~[of this bill]~~ require employees of a temporary employment service which provide services to such entities to be subject to such investigations.

Section 14 also requires such entities to use the Internet website of the Health Division, if established pursuant to section 2, as part of the investigation of employees, employees of a temporary employment service and independent contractors. Section 14 also revises the procedure for conducting background investigations and exempts certain persons from the criminal background investigation if an investigation has been conducted within the immediately preceding 5 years.

Section 15 requires the entities which are required to conduct background investigations to maintain a current list of its employees, employees from a temporary employment service and independent contractors ~~[and submit the list to the Health Division for inclusion in]~~ on the Internet website established pursuant to section 2. Section 15 also authorizes the Central Repository for Nevada Records of Criminal History to maintain electronic images of fingerprints for the purpose of notifying those entities and the Health Division if an employee, employee of a temporary employment service or independent contractor has been convicted of certain crimes.

Under existing law a license to operate certain facilities, homes or agencies may be denied, suspended or revoked if an applicant or a licensee has been convicted of certain crimes. (NRS 449.174) Section 17 of this bill adds certain other facilities, hospitals, agencies, homes and programs to this provision. Section 17 also adds battery with the intent to kill or commit sexual assault or mayhem to the list of crimes, a conviction of which may result in the denial, suspension or revocation of a license to operate such an entity.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. 1. *The Health Division may establish a secure Internet website which makes certain information available for a website client to conduct an investigation into the background and personal history of a person that is*

required pursuant to the provisions of this chapter or chapter 62B, 63, 424, 427A, 432, 432A, 432B, 433, 433B, ~~for~~ 435 or 449 of NRS.

2. To become a website client, a person or governmental entity must:

- (a) Create an account on the Internet website;
- (b) Comply with sections 2 to 7, inclusive, of this act and any regulations adopted pursuant thereto governing use of the Internet website; and
- (c) Designate a website client administrator who is responsible for:
 - (1) Determining the persons who are authorized to use the Internet website;

- (2) Providing the Health Division with the names of the persons who are authorized to use the Internet website;

- (3) Ensuring that only those authorized persons have access to the Internet website; and

- (4) Notifying the Health Division of any change in the persons who are authorized to use the Internet website.

3. Authorized employees of the Health Division and of the Department of Public Safety may be designated to serve as administrators of the Internet website with access to all the data and information on the Internet website.

4. Except as otherwise provided in this section and NRS 239.0115, information collected, maintained, stored, backed up or on file on the Internet website is confidential, not subject to subpoena or discovery and is not subject to inspection by the general public.

5. The Health Division shall ensure that any information collected, maintained and stored on the Internet website is protected adequately from fire, theft, loss, destruction, other hazards and unauthorized access, and is backed-up in a manner that ensures proper confidentiality and security.

6. The Internet website must be maintained in accordance with any requirements of the Division of Enterprise Information Technology Services of the Department of Administration established for use of the equipment or services of the Division pursuant to NRS 242.181.

Sec. 3. 1. A person authorized to use the Internet website established pursuant to section 2 of this act may access the website to search for information necessary to conduct an investigation of the background and personal history of a person when required. Such a search may include, without limitation, to the extent that the information is available:

- (a) Determining whether the person being investigated has been convicted of a crime that disqualifies the person for employment, licensure or other privilege sought;

- (b) Verifying the social security number, date of birth and driver's license or identification card number of the person being investigated;

- (c) Determining whether any disciplinary action has been taken by a professional licensing board against the person being investigated; and

- (d) Determining whether the person being investigated is included on the list of individuals who are excluded from participation in Medicare,

Medicaid and other federal health care programs pursuant to 42 U.S.C. §§ 1320a-7 et seq.

2. The Internet website established pursuant to section 2 of this act may include, without limitation, any relevant information that is available to the public, including, without limitation, hyperlinks to relevant publicly available Internet websites and registries, forms and educational materials.

Sec. 3.5. A person authorized to use the Internet website established pursuant to section 2 of this act may access the website to:

1. Enter any required information;

2. Manage the information to which the person has access; and

3. Manage the account of the person.

Sec. 4. The Health Division may enter into cooperative agreements to obtain and accept information for inclusion on the Internet website established pursuant to section 2 of this act from:

1. The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 and any similar registry maintained by a governmental entity of any state or territory within the United States;

2. The Central Repository for Nevada Records of Criminal History or any similar repository maintained by a government agency of any state or territory within the United States; and

3. Any other state or federal agency which maintains a database, repository or registry which contains information the Health Division determines is necessary or appropriate for inclusion on the Internet website.

Sec. 5. 1. In addition to any other information included on the Internet website established pursuant to section 2 of this act, the Health Division may collect, maintain and store on the Internet website the following information relating to the background and personal history of a person:

(a) The first, middle and last name of the person, any aliases used by the person and, if available, a photograph of the person;

(b) The social security number, date of birth and, if available, the driver's license or identification card number of the person;

(c) Information regarding the criminal convictions of the person, if any;

(d) Any other information submitted pursuant to section 4 of this act; and

(e) Any other information determined by the Health Division to be necessary or appropriate.

2. The information described in subsection 1 may be collected, stored and maintained electronically, in hard copy, in a database, through a secure interface from a state or federal governmental entity directly to the Internet website, or by any other means as the Health Division determines necessary or appropriate.

Sec. 6. 1. When establishing permissions for a website client to access information on the Internet website established pursuant to section 2 of this act, the Health Division shall determine the information necessary for the website client to conduct an investigation into the background and personal

history of a person and limit access to the website client to only the information necessary for that website client.

2. Information regarding a person whose background and personal history is investigated must not be shared with any other website client.

3. A person who is authorized to use the Internet website by the website client administrator pursuant to section 2 of this act may be given permission to access any information deemed necessary pursuant to subsection 1.

Sec. 7. The Health Division may adopt regulations to:

1. Prescribe a fee to be imposed on website clients for use of the Internet website established pursuant to section 2 of this act; and

2. Carry out the provisions of sections 2 to 7, inclusive, of this act.

Sec. 8. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. As used in NRS 449.121 to 449.125, inclusive, and sections 9 and 10 of this act, "facility, hospital, agency, program or home" means an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a residential facility for groups, ~~an agency to provide personal care services in the home, a hospital described in 42 U.S.C. § 1395ww(d)(1)(b)(iv) which accepts payment through Medicare, a home for individual residential care,~~ a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a facility for long-term care where the average inpatient length of stay is more than 25 days, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed services as described in 42 C.F.R. § 482.66 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs.

Sec. 10. 1. A temporary employment service shall not send an employee to provide services to a facility, hospital, agency, program or home if the temporary employment service has received notice from a facility, hospital, agency, program or home that the employee of the temporary employment service is ineligible to provide such services.

2. A facility, hospital, agency, program or home that enters into an agreement with a temporary employment service to provide services for the facility, hospital, agency, program or home on a temporary basis must require the temporary employment service to:

(a) Provide proof that each employee of the temporary employment service whom it may send to provide services to the facility, hospital, agency, program or home has been continuously employed by the temporary employment service since the last investigation conducted of the employee pursuant to NRS 449.123; and

(b) *Notify the facility, hospital, agency, program or home if the investigation conducted of an employee of the temporary employment service pursuant to NRS 449.123 has not been conducted within the immediately preceding 5 years.*

Sec. 11. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.030 to 449.240, inclusive, *and sections 9 and 10 of this act* expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Health Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.030 to 449.240, inclusive, *and sections 9 and 10 of this act* or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a residential facility for groups, a program of hospice care ~~for~~ a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a facility for long-term care where the average inpatient length of stay is more than 25 days, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5(b)(2), a hospital that provides swing-bed services as described in 42 C.F.R. § 482.66 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs must include, without limitation, a statement that the facility, hospital, agency, program or home is in compliance with the provisions of NRS 449.121 to 449.125, inclusive, *and sections 9 and 10 of this act*, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency or home are in compliance with the provisions of NRS 449.093.

Sec. 12. NRS 449.121 is hereby amended to read as follows:

449.121 1. Except as otherwise provided in subsection 2, the provisions of NRS 449.122 to 449.125, inclusive, *and sections 9 and 10 of this act* and 449.174 do not apply to any facility for the treatment of abuse of alcohol or drugs.

2. A facility for the treatment of abuse of alcohol or drugs must comply with the requirements of NRS 449.122 to 449.125, inclusive, *and sections 9 and 10 of this act* and 449.174 if the facility for the treatment of abuse of alcohol or drugs provides residential services to children.

Sec. 13. NRS 449.122 is hereby amended to read as follows:

449.122 1. Each applicant for a license to operate a facility ~~[for intermediate care, facility for skilled nursing, residential facility for groups, agency to provide personal care services in the home or home for individual residential care or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs]~~, *hospital, agency, program or home* shall submit to the Central Repository for Nevada Records of Criminal History ~~[two]~~ one complete ~~[sets]~~ set of fingerprints for submission to the Federal Bureau of Investigation for its report.

2. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.174 and immediately inform the administrator of the facility, agency or home, if any, and the Health Division of whether the applicant has been convicted of such a crime.

3. A person who holds a license to operate ~~[an agency, a facility or a]~~ *a facility, hospital, agency, program or home* which provides residential services to children shall submit to the Central Repository for Nevada Records of Criminal History ~~[two]~~ one complete ~~[sets]~~ set of fingerprints for a report required by this section at least once every 5 years after the initial investigation.

Sec. 14. NRS 449.123 is hereby amended to read as follows:

449.123 1. Except as otherwise provided in subsection 2, ~~[3]~~ within 10 days after hiring an employee, *accepting an employee of a temporary employment service* or entering into a contract with an independent contractor, the administrator of, or the person licensed to operate ~~[an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a residential facility for groups or a home for individual residential care or, if residential services are provided to children, a medical facility or a facility for the treatment of abuse of alcohol or drugs]~~ *a facility, hospital, agency, program or home* shall:

(a) Obtain a written statement from the employee, *employee of the temporary employment service* or independent contractor stating whether he or she has been convicted of any crime listed in NRS 449.174;

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain ~~[from the employee, employee of the temporary employment service or independent contractor]~~ proof that ~~[he]~~ the employee, employee of the temporary employment service or ~~[she]~~ independent contractor holds any required license, permit or certificate;

(d) Obtain from the employee , *employee of the temporary employment service* or independent contractor ~~{two sets}~~ one set of fingerprints and a written authorization 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; ~~and~~

~~(d)~~ (e) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph ~~((e))~~ (d) to obtain information on the background and personal history of each employee , *employee of a temporary employment service* or independent contractor to determine whether the person has been convicted of any crime listed in NRS 449.174 ~~[-~~

~~2-]; ~~and~~~~

(f) If an Internet website has been established pursuant to section 2 of this act ~~[-, screen]~~ :

(1) Screen the employee, *employee of the temporary employment service* or independent contractor using the Internet website. Upon request of the Health Division, proof that the employee, temporary employee or independent contractor was screened pursuant to this paragraph must be provided to the Health Division.

(2) Enter on the Internet website information to be maintained on the website concerning the employee, employee of a temporary employment service or independent contractor.

2. ~~{The}~~ Upon agreement by the employee, employee of a temporary employment service or independent contractor to allow the administrator of, or the person licensed to operate, ~~{an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a residential facility for groups or a home for individual residential care or, if residential services are provided to children, a medical facility or a facility for the treatment of abuse of alcohol or drugs}~~ a facility, hospital, agency, program or home to receive notice from the Central Repository for Nevada Records of Criminal History regarding any conviction and subsequent conviction of the employee, employee of a temporary employment service or independent contractor of a crime listed in NRS 449.174, the administrator of, or the person licensed to operate, a facility, hospital, agency, program or home is not required to obtain the information described in subsection 1 from an employee , *employee of a temporary employment service* or independent contractor who provides proof that ~~{an investigation of his or her background and personal history has been conducted by}~~ :

(a) His or her fingerprints have been submitted to the Central Repository for Nevada Records of Criminal History ~~{within}~~ for submission to the Federal Bureau of Investigation for its report:

(1) Within the immediately preceding 5 years by an agency, board or commission that regulates an occupation or profession pursuant to title 54 of NRS or by the temporary employment service; or

(2) *Within the immediately preceding 6 months ~~[and the investigation did not indicate]~~ by any other person; ~~and~~*

(b) The Central Repository for Nevada Records of Criminal History maintains electronic images of fingerprints to provide notice of subsequent convictions of persons required to submit to an investigation as authorized pursuant to NRS 449.124 and maintains an electronic copy of the fingerprints of the employee, employee of a temporary employment service or independent contractor; and

(c) The report of the Federal Bureau of Investigation indicated that the employee, employee of the temporary employment service or independent contractor ~~[had]~~ has not been convicted of any crime set forth in NRS 449.174.

3. The administrator of, or the person licensed to operate, ~~[an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a residential facility for groups or a home for individual residential care or, if residential services are provided to children, a medical facility or a facility for the treatment of abuse of alcohol or drugs]~~ a facility, hospital, agency, program or home shall ensure that the information concerning the background and personal history of each employee, employee of a temporary employment service or independent contractor who works at the ~~[agency or facility]~~ facility, hospital, agency, program or home:

(a) ~~[Is]~~ Except as otherwise provided in subsection 2, is completed as soon as practicable, and if residential services are provided to children, before the employee, employee of the temporary employment service or independent contractor provides any care or services to a child in the ~~[agency]~~ facility, hospital, agency, program or home without supervision; and

(b) At least once every 5 years ~~[thereafter]~~ after the date of the initial investigation.

4. The administrator or person shall ~~[]~~, when required:

(a) ~~[If the agency, facility or home does not have the fingerprints of the employee or independent contractor on file, obtain]~~ Obtain ~~[two sets]~~ one set of fingerprints from the employee, employee of the temporary employment service or independent contractor;

(b) Obtain written authorization from the employee, employee of the temporary employment service or independent contractor to forward the fingerprints ~~[on file or]~~ obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History ~~[]~~ or, if the fingerprints were submitted electronically, obtain proof of electronic submission of the fingerprints to the Central Repository for Nevada Records of Criminal History.

5. Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine

whether the employee , *employee of the temporary employment service* or independent contractor has been convicted of a crime listed in NRS 449.174 and immediately inform the Health Division and the administrator of, or the person licensed to operate, the ~~[agency,]~~ facility , *hospital, agency, program* or home at which the person works whether the employee , *employee of the temporary employment service* or independent contractor has been convicted of such a crime.

6. The Central Repository for Nevada Records of Criminal History may impose a fee upon ~~[an agency, a facility or a]~~ *a facility, hospital, agency, program* or home that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The ~~[agency,]~~ facility , *hospital, agency, program* or home may recover from the employee or independent contractor whose fingerprints are submitted not more than one-half of the fee imposed by the Central Repository. If the ~~[agency,]~~ facility , *hospital, agency, program* or home requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments. *The facility, hospital, agency, program or home may require a temporary employment service which employs a temporary employee whose fingerprints are submitted to pay the fee imposed by the Central Repository. A facility, hospital, agency, program or home shall notify a temporary employment service if a person employed by the temporary employment service is determined to be ineligible to provide services at the facility, hospital, agency, program or home based upon the results of investigation conducted pursuant to this section.*

7. *Unless a greater penalty is provided by law, a person who willfully provides a false statement or information in connection with an investigation of the background and personal history of the person pursuant to this section that would disqualify the person from employment, including, without limitation, a conviction of a crime listed in NRS 449.174, is guilty of a misdemeanor.*

Sec. 15. NRS 449.124 is hereby amended to read as follows:

449.124 1. Each ~~[agency to provide personal care services in the home, agency to provide nursing in the home, facility for intermediate care, facility for skilled nursing, residential facility for groups and home for individual residential care and, if residential services are provided to children, a medical facility and facility for the treatment of abuse of alcohol or drugs]~~ facility, *hospital, agency, program or home* shall maintain records of the information concerning its employees , *employees of a temporary employment service* and independent contractors collected pursuant to NRS 449.123, including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History *or proof of electronic fingerprint submission* and a copy of the written authorization that was

provided by the employee ~~[]~~ , *employee of the temporary employment service or independent contractor*;

(b) Proof that the fingerprints of the employee , *employee of the temporary employment service or independent contractor* were submitted to the Central Repository; and

(c) Any other documentation of the information collected pursuant to NRS 449.123.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the ~~[employee's]~~ *employment of the person with the [agency,] facility , hospital, agency, program or home*; and

(b) Made available for inspection by the Health Division at any reasonable time, and copies thereof must be furnished to the Health Division upon request.

3. *If an Internet website has been established pursuant to section 2 of this act, a facility, hospital, agency, program or home shall maintain a current list of its employees, employees of a temporary employment service and independent contractors* ~~[and submit the list to the Health Division for inclusion]~~ *on the Internet website.*

4. *The Central Repository for Nevada Records of Criminal History may maintain an electronic image of fingerprints submitted pursuant to NRS 449.122 and 449.123 to notify a facility, hospital, agency, program or home and the Health Division of any subsequent* ~~[arrest]~~ *conviction of a person who is required to submit to an investigation pursuant to NRS 449.122 or 449.123.*

Sec. 16. NRS 449.125 is hereby amended to read as follows:

449.125 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 449.123, or evidence from any other source, that an employee , *employee of a temporary employment service or independent contractor of* ~~[an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a residential facility for groups or home for individual residential care or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs]~~ *a facility, hospital, agency, program or home* ~~[has]~~ :

(a) Has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.174 ~~[]~~ ; *or* ~~[has]~~

(b) Has had a substantiated report of abuse or neglect made against him or her , if he or she is employed at a facility, hospital, agency, program or home that provides residential services to children,

~~the~~ *the administrator of, or the person licensed to operate, the [agency,] facility , hospital, agency, program or home shall terminate the employment or contract of that person or notify the temporary employment service that its employee is* ~~[prohibit]~~ *prohibited from providing services for the facility,*

hospital, agency, program or home after allowing ~~him or her~~ the person time to correct the information as required pursuant to subsection 2.

2. If an employee, *employee of a temporary employment service* or independent contractor believes that the information provided by the Central Repository is incorrect, the employee, *employee of the temporary employment service* or independent contractor may immediately inform the ~~agency, facility or home. An agency,~~ facility, *hospital, agency, program or home or temporary employment service. The facility, hospital, agency, program, home or temporary employment service* that is so informed shall give the employee, *employee of the temporary employment service* or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person pursuant to subsection 1.

3. ~~An agency,~~ A facility, *hospital, agency, program or home* that has complied with NRS 449.123 may not be held civilly or criminally liable based solely upon the ground that the ~~agency,~~ facility, *hospital, agency, program or home* allowed an employee, *employee of a temporary employment service* or independent contractor to work:

(a) Before it received the information concerning the employee, *employee of the temporary employment service* or independent contractor from the Central Repository, except that an employee, *employee of the temporary employment service* or independent contractor shall not have contact with a child without supervision before such information is received;

(b) During the period required pursuant to subsection 2 to allow the employee, *employee of the temporary employment service* or independent contractor to correct that information, except that an employee, *employee of the temporary employment service* or independent contractor shall not have contact with a child without supervision during such period;

(c) Based on the information received from the Central Repository, if the information received from the Central Repository was inaccurate; or

(d) Any combination thereof.

➔ An agency, facility or home may be held liable for any other conduct determined to be negligent or unlawful.

Sec. 17. NRS 449.174 is hereby amended to read as follows:

449.174 1. In addition to the grounds listed in NRS 449.160, the Health Division may deny a license to operate a ~~facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care,~~ facility, *hospital, agency, program or home* to an applicant or may suspend or revoke the license of a licensee to operate such a facility, *hospital, agency, program or home* if:

(a) The applicant or licensee has been convicted of:

(1) Murder, voluntary manslaughter or mayhem;

(2) Assault or battery with intent to kill or to commit sexual assault or mayhem;

(3) Sexual assault, statutory sexual seduction, incest, lewdness or indecent exposure, or any other sexually related crime that is punished as a felony;

(4) Prostitution, solicitation, lewdness or indecent exposure, or any other sexually related crime that is punished as a misdemeanor, within the immediately preceding 7 years;

(5) A crime involving domestic violence that is punished as a felony;

(6) A crime involving domestic violence that is punished as a misdemeanor, within the immediately preceding 7 years;

(7) Abuse or neglect of a child or contributory delinquency;

(8) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS, within the immediately preceding 7 years;

(9) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct;

(10) A violation of any provision of law relating to the State Plan for Medicaid or a law of any other jurisdiction that prohibits the same or similar conduct, within the immediately preceding 7 years;

(11) A violation of any provision of NRS 422.450 to 422.590, inclusive;

(12) A criminal offense under the laws governing Medicaid or Medicare, within the immediately preceding 7 years;

(13) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property, within the immediately preceding 7 years;

(14) Any other felony involving the use or threatened use of force or violence against the victim or the use of a firearm or other deadly weapon; or

(15) An attempt or conspiracy to commit any of the offenses listed in this paragraph, within the immediately preceding 7 years; ~~or~~

(b) The licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) ~~or~~; *or*

(c) *The applicant or licensee has had a substantiated report of child abuse or neglect made against him or her ~~or~~ and if the facility, hospital, agency, program or home provides residential services to children.*

2. In addition to the grounds listed in NRS 449.160, the Health Division may ~~deny a license to operate an agency to provide personal care services in the home or an agency to provide nursing in the home to an applicant or may~~ suspend or revoke the license of a licensee to operate ~~such~~ an agency *to provide personal care services in the home or an agency to provide nursing in the home* if the licensee has, in violation of NRS 449.125, continued to employ a person who has been convicted of a crime listed in paragraph (a) of subsection 1.

3. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) *"Facility, hospital, agency, program or home" has the meaning ascribed to it in section 9 of this act.*

(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

~~((e))~~ (d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

Sec. 18. This act becomes effective on July 1, 2013.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 369 to Senate Bill No. 502 clarifies that an applicant for employment at a licensed medical facility, who provides false information related to their background check, may only be guilty of a misdemeanor when the false information they provided relates to something that would have statutorily disqualified them from being considered for the position. It also clarifies that denial of a license, or termination for substantiated reports of abuse or neglect, only applies to employees or applicants of facilities that provide residential services to children.

Amendment No. 369 to Senate Bill No. 502 provides several technical changes, including: (1) adding to Chapter 449 of *Nevada Revised Statutes*, "Medical and Other Related Facilities;" (2) clarifying usage of the facility licensure Internet website; (3) adding several facility types; (4) requiring only one set of fingerprints for employee background checks; (5) revising provisions related to verifying employee qualifications and background checks; and (6) clarifying that certain employee and independent contractor information may be collected, some of which must be reported into the facility licensure Internet website.

Amendment adopted.

Senator Kieckhefer moved that Senate Bill No. 502 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

MOTIONS, RESOLUTIONS AND NOTICES

Senator Atkinson moved that Senate Bill No. 252 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 31.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President. Senate Bill No. 31 provides that a Director of Juvenile Services, Chief Juvenile Probation Officer or the Chief of the Youth Parole Bureau may, upon written request and good cause shown, share appropriate juvenile justice information with certain entities for purposes of ensuring the safety, permanent placement, rehabilitation, educational success and the well-being of a child. Juvenile justice information is defined as information directly related to a child in need of supervision, delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

The measure provides that the information released is confidential. If the information is requested for purposes of bona fide research that may be used to improve juvenile justice services or secure additional funding for such services, the information shall be provided in the aggregate, without personal identifying information. The measure also stipulates that the information provided may not be used to deny a child access to any service for which the child would otherwise be eligible. Finally, the measure authorizes an agency that provides child

welfare services to charge a fee for processing costs reasonably necessary to prepare the requested information for release. This bill is effective on July 1, 2013.

Roll call on Senate Bill No. 31:

YEAS—21.

NAYS—None.

Senate Bill No. 31 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 88.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Senate Bill No. 88 authorizes the Department of Motor Vehicles to remove the suspension of the registration of any motor vehicle for which the Department of Motor Vehicles cannot verify liability insurance coverage without requiring the owner of the vehicle to pay a fee or administrative fine if the registered owner proves to the satisfaction of the Department of Motor Vehicles that the vehicle was dormant during the period in which the Department of Motor Vehicles was unable to verify liability insurance coverage.

Roll call on Senate Bill No. 88:

YEAS—21.

NAYS—None.

Senate Bill No. 88 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 92.

Bill read third time.

The following amendment was proposed by Senator Hardy:

Amendment No. 506.

"SUMMARY—Makes certain changes related to the health of infants. (BDR 40-529)"

"AN ACT relating to public health; requiring that infants born in certain institutions be examined for critical congenital heart disease; providing an exception for written parental objection; requiring certain hospitals to submit certain information to the Health Division of the Department of Health and Human Services; authorizing the Division to provide this information to an entity to conduct a study of the effectiveness of pulse oximetry screening; requiring the Division to submit a report under certain circumstances to the Director of the Legislative Counsel Bureau for submittal to the Legislative Committee on Health Care and the Legislative Commission; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Any physician, midwife, nurse, obstetric center or hospital attending or assisting any infant, or the mother of any infant, at childbirth is required to examine and test the infant for certain preventable and inheritable disorders. If the tests reveal such a disorder, the physician, midwife, nurse, obstetric

center or hospital is required to: (1) report the condition to the State Health Officer, the local health officer of the county or city within which the infant or the mother of the infant resides, and the local health officer of the county or city in which the child is born; and (2) discuss the condition and treatment of the condition with the parents or other persons responsible for the care of the infant. (NRS 442.008) ~~[This]~~ Section 1 of this bill requires any physician, midwife or nurse attending or assisting any infant ~~f, or the mother of any infant,~~ at childbirth at an obstetric center or a hospital which regularly offers obstetric services in the normal course of business to examine the infant for critical congenital heart disease, including conducting pulse oximetry screening, and to report any ~~(positive)~~ results indicating the infant may suffer from critical congenital heart disease to the attending physician of the infant. Section 1 also requires the attending physician of an infant whose test results have indicated that the infant may suffer from critical congenital heart disease to conduct an examination to determine if the infant does suffer from critical congenital heart disease. If the attending physician determines that the infant suffers from critical congenital heart disease, the attending physician is required to report the condition to the State Health Officer and discuss such results with the parent of or other person responsible for the infant. ~~[This bill]~~ Section 1 provides an exception to the requirement for examination in the event of written parental objection.

Section 2 of this bill requires, during the period between July 1, 2013, and March 1, 2014, a hospital that conducts pulse oximetry screening to submit the positive results of such screening and certain information concerning these results to the Health Division of the Department of Health and Human Services. Section 2 also authorizes the Division to provide the information to an entity to study this information. If a study is conducted, the study must: (1) evaluate the effectiveness of the pulse oximetry screening; and (2) formulate recommendations concerning the implementation of the requirements prescribed by section 1. Section 2 further requires the Division, if a study is conducted, to submit a report containing the results of the study to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care and the Legislative Commission. Finally, Section 2 requires the Legislative Committee on Health Care, if a study is conducted, to use the report to formulate recommendations concerning the implementation of these requirements.

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 3, any physician, midwife or nurse attending or assisting in any way any infant ~~f, or the mother of any infant,~~ at childbirth at an obstetric center or a hospital which regularly offers obstetric services in the normal course of business and not only on an emergency basis shall make or cause to be made an examination of the infant*

, to determine whether the infant may suffer from critical congenital heart disease, including, without limitation, conducting pulse oximetry screening.
~~f. to determine whether the infant suffers from critical congenital heart disease.~~ If the physician, midwife or nurse who conducts the examination is not the attending physician of the infant, the physician, midwife or nurse shall submit the results of the examination to the attending physician of the infant.

2. If the examination reveals that an infant ~~suffers~~ may suffer from critical congenital heart disease, the attending physician ~~f. midwife or nurse attending or assisting at the birth~~ of the infant shall ~~f.~~ conduct an examination to confirm whether the infant does suffer from critical congenital heart disease. If the attending physician determines that the infant suffers from critical congenital heart disease, the attending physician must:

(a) Report the condition to the State Health Officer or a representative of the State Health Officer; and

(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.

3. An examination of an infant is not required pursuant to this section if either parent files a written objection with the person responsible for conducting the examination or with the obstetric center or hospital at which the infant is born.

4. The State Board of Health may adopt such regulations as necessary to carry out the provisions of this section.

Sec. 2. 1. During the period beginning on July 1, 2013, and ending on March 1, 2014, if a hospital conducts pulse oximetry screening to determine whether an infant suffers from critical congenital heart disease and the results of such screening are positive, the hospital shall submit to the Health Division of the Department of Health and Human Services:

(a) The positive results;

(b) Information concerning whether critical congenital heart disease was detected in the infant before the pulse oximetry screening; and

(c) Information concerning measures taken by the hospital because of the positive result, including, without limitation, measures taken to verify the positive result and to provide follow-up care and treatment to the infant.

2. The Division may make the information submitted pursuant to subsection 1 available to an entity to study. If a study is conducted pursuant to this subsection, the entity must, without limitation:

(a) Evaluate, based on the information, the effectiveness of the pulse oximetry screening; and

(b) Formulate recommendations concerning the implementation of section 1 of this act.

3. Except as otherwise provided in subsection 2, the Division shall keep confidential all personal identifying information contained in the information submitted pursuant to subsection 1. Any entity to which information is made

available pursuant to subsection 2 shall keep confidential all personal identifying information contained within the information made available to the entity pursuant to subsection 2.

4. If a study is conducted pursuant to subsection 2, on or before April 1, 2014, the Division shall submit a report of the results of the study to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care and the Legislative Commission. The report must include, without limitation, recommendations concerning the implementation of section 1 of this act.

5. If a study is conducted pursuant to subsection 2, the Legislative Committee on Health Care shall study the report submitted pursuant to subsection 4 and provide to the Legislature, as a result of its consideration of the report, any recommendations for legislation concerning the implementation of section 1 of this act.

6. As used in this section, "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.

Sec. 3. 1. This section and section 2 of this act become effective on July 1, 2013.

2. Section 1 of this act becomes effective on October 1, 2014.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Thank you, Mr. President. Amendment No. 506 to Senate Bill No. 92 is a result of working extensively with representatives of the American Heart Association and others including March of Dimes. We now better understand critical congenital heart disease and how to diagnose it.

Amendment adopted.

Senator Smith moved that Senate Bill No. 92 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Senate Bill No. 94.

Bill read third time.

Remarks by Senator Atkinson.

Thank you, Mr. President. Senate Bill No. 94 authorizes a high-interest loan service to charge a late fee of not more than \$25, payable on a one-time basis, on any loan that remains unpaid ten days or more after the date of default. This bill is effective on October 1, 2013. I urge your support.

Roll call on Senate Bill No. 94:

YEAS—18.

NAYS—Parks, Segerblom, Smith—3.

Senate Bill No. 94 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 103.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Senate Bill No. 103 revises the period of limitation for crimes relating to the sexual abuse of a child. The measure provides that an indictment must be found or an information or complaint must be filed before the victim of child sexual abuse is: (1) 36 years old if the victim discovers or reasonably should have discovered the sexual abuse by that age; and (2) 43 years old if the victim does not discover and reasonably should not have discovered the sexual abuse by 36 years of age.

Roll call on Senate Bill No. 103:

YEAS—21.

NAYS—None.

Senate Bill No. 103 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 104.

Bill read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President. Senate Bill No. 104 replaces the current panel, which evaluates sexual offenders who are in prison, with a requirement that the Nevada Department of Corrections makes an independent assessment. There have been problems with the current makeup of the panel. This bill addresses that and provides for more standardized treatment and view before these prisoners are released.

Roll call on Senate Bill No. 104:

YEAS—21.

NAYS—None.

Senate Bill No. 104 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 107.

Bill read third time.

Remarks by Senator Segerblom.

Thank you, Mr. President. Senate Bill No. 107 limits the use of solitary confinement for juveniles. It also provides for a study of solitary confinement for the entire prison system with a report back in two years.

Roll call on Senate Bill No. 107:

YEAS—21.

NAYS—None.

Senate Bill No. 107 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 111.

Bill read third time.

Remarks by Senators Jones, Brower and Ford.

SENATOR JONES:

Thank you, Mr. President. Senate Bill No. 111 requires a person who owns or controls the premises on which an injury or death allegedly occurred to produce and provide copies, if any, of any visual evidence of the incident to the claimant or an attorney representing the claimant. The copies must be provided within 15 judicial days after receipt of the written request and affidavit. The measure also provides that the person who is requested to produce the copies may quash the request under certain circumstances. Senate Bill No. 111 also provides for a study of the issue of perceived discovery. I believe this bill will reduce frivolous lawsuits which is something we all agree would be a good outcome. I urge your support.

SENATOR BROWER:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 111. This was a very contentious issue in Committee and came out with a divided vote. The bill would significantly change the way civil litigation is done in our State. It will not, in my opinion, undermine the proliferation of frivolous lawsuits. It constitutes an unprecedented invasion of the privacy of private property owners in our State.

To the extent that pre-litigation discovery is worth exploring, I agree that should be done by way of the Nevada Supreme Court's rulemaking process, which is the way the Nevada Rules of Civil Procedure are generally reconsidered and changed. Doing it the way proposed in Senate Bill No. 111 is something I cannot support. I will be voting, "no" and I urge your "no" vote as well.

SENATOR FORD:

Thank you, Mr. President. I rise in support of Senate Bill No. 111. I would like to highlight how this bill has changed since it was introduced to Committee. There was language inserted to address the concerns raised by the Committee. The ability to quash the subpoena is one example; the ability to obtain counsel before responding to the subpoena is another. There are several other procedural safeguards added as well. These are safeguards that are currently available under Nevada Rule of Civil Procedure 45. I urge your support.

Roll call on Senate Bill No. 111:

YEAS—11.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10

Senate Bill No. 111 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 112.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President. Senate Bill No. 112 requires the Legislative Committee on Health Care, as part of its review of health care during the 2013-2015 Legislative Interim, to consider the manner in which provisions governing the oversight of physicians and certain facilities that provide general anesthesia, conscious sedation and deep sedation have been carried out.

Roll call on Senate Bill No. 112:

YEAS—21.

NAYS—None.

Senate Bill No. 112 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 127.

Bill read third time.

Remarks by Senator Parks.

Thank you, Mr. President. Senate Bill No. 127 prohibits an employer from conditioning the employment of an employee or prospective employee on the person's consumer credit report or other credit information unless the information contained in the report or other credit information is reasonably related to the position of employment. The measure establishes civil remedies available to a person affected by a violation committed by an employer. Further, the Labor Commissioner is authorized to impose an administrative penalty against an employer for each violation and to bring a civil action against the employer.

Roll call on Senate Bill No. 127:

YEAS—21.

NAYS—None.

Senate Bill No. 127 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 141.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President. Senate Bill No. 141 requires an agency of criminal justice to disseminate a record of criminal history to a court appointed special advocate program in a county whose population is less than 100,000, as needed to ensure the safety of a child for whom a special advocate has been appointed by a court. I urge your support.

Roll call on Senate Bill No. 141:

YEAS—21.

NAYS—None.

Senate Bill No. 141 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 152.

Bill read third time.

Remarks by Senator Denis.

Thank you, Mr. President. Senate Bill No. 152 provides that the right of a retailer to claim a sales tax deduction or refund based on a bad debt, as provided under current law, is not affected by the assignment of the debt to a closely held affiliated group that includes the retailer. The bill defines an "affiliated group" as an "affiliated group" or "a controlled group of corporations" as those terms are defined in the federal Internal Revenue Code.

This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any preparatory administrative tasks necessary to carry out the provisions of the act; and on July 1, 2013, for all other purposes.

Roll call on Senate Bill No. 152:

YEAS—21.

NAYS—None.

Senate Bill No. 152 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 170.

Bill read third time.

Remarks by Senator Atkinson and Manendo.

SENATOR ATKINSON:

Thank you, Mr. President. Senate Bill No. 170 authorizes a body shop, under certain circumstances, to impose a charge for storage of a motor vehicle that is in the possession of the body shop for repairs. Any such charge for storage of a motor vehicle must not exceed an amount that is one and one-half times the average prevailing rate for storage charged by body shops in the same geographic area. In cases of nonconsensual tows, a body shop must make a reasonable attempt to contact the vehicle's owner and notify the owner of the vehicle's location and charges imposed for storage. The measure also requires body shops to report vehicle storage rates to the Department of Motor Vehicles via an online survey. Finally, the measure provides injunctive relief, civil penalties and criminal misdemeanor penalties for violations of provisions in the bill. This bill is effective on July 1, 2013. I urge your support.

SENATOR MANENDO:

I work in the collision repair industry. This bill will not affect me any differently than anyone else, and I will be voting on Senate Bill No. 170.

Roll call on Senate Bill No. 170:

YEAS—21.

NAYS—None.

Senate Bill No. 170 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 179.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 542.

Legislative Counsel's Digest:

Under existing law, a driver who is convicted of a violation of a speed limit or of certain other traffic violations is subject to a doubling of the penalty if the violation occurs in a highway construction zone when workers are present. (NRS 484B.130) Existing law also provides that certain maximum speeds are in effect in school zones and school crossing zones at certain times. (NRS 484B.363) Sections 2 and 24 of this bill provide that a driver is subject to a doubling of the penalty for a violation of a speed limit or of certain other traffic violations if the violation occurs in a school zone or a school crossing zone at a time when the statutory speed limits for such zones are in effect. Section 24 also makes it unlawful for a driver to make a U-turn or pass another vehicle in a school zone or a school crossing zone when the school speed limit is in effect. Finally, section 24 requires that the sign posted to mark the beginning of each school zone and school crossing zone

newly include a designation that fines may be higher when the speed limit is in effect.

Section 1 of this bill authorizes the governing body of a local government or the Department of Transportation to designate pedestrian safety zones on a highway if certain findings are made. Section 1 also provides that a person who is convicted of a violation of a speed limit or of certain other violations is subject to a doubling of the penalty if the violation occurs in a pedestrian safety zone. Sections 3-13, 17, 18, 20-22, 25-28 and 30-32 of this bill make conforming changes to indicate the possibility of the enhanced penalty.

Existing law requires the driver of a vehicle to yield the right-of-way to a pedestrian in a crosswalk under certain circumstances when the pedestrian is on the half of the highway upon which the vehicle is traveling, and when a pedestrian is lawfully in a crosswalk or intersection that is controlled by traffic lights. (NRS 484B.283, 484B.307) Section 15 of this bill requires a driver to stop for such a pedestrian, specifies that the requirement applies to both marked and unmarked crosswalks, expands the requirement to when a pedestrian is within one lane of the half of the highway upon which the vehicle is traveling and defines the term "half of the highway" to mean the entire width of all the traffic lanes which convey traffic in the same direction, including any paved shoulder. Section 15 also authorizes a court, upon the conviction of the driver of a motor vehicle for violating certain crosswalk requirements, to order the driver to attend a course of pedestrian, bicycle and traffic safety and to lower the amount of any fine imposed if the person attends such a course. Section 15 further provides that a person who resides more than 50 miles from the nearest location where such a course is offered may be exempted from attending the course. Section 19 of this bill requires a driver to stop for a pedestrian who is lawfully in a crosswalk or an intersection that is controlled by traffic lights.

Existing law requires a pedestrian to yield the right-of-way to vehicles when the pedestrian is crossing a highway outside of a marked or unmarked crosswalk, and when crossing a highway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided. Existing law also prohibits a pedestrian from crossing a highway outside of a marked crosswalk when the pedestrian is between adjacent intersections at which traffic-control devices are in operation. (NRS 484B.287) Section 16 of this bill eliminates the requirement for a pedestrian to yield the right-of-way to vehicles when crossing where a pedestrian tunnel or overhead pedestrian crossing has been provided. Section 16 also revises the prohibition on a pedestrian crossing outside of a marked crosswalk between adjacent intersections to forbid a pedestrian from crossing outside of a marked or unmarked crosswalk if the pedestrian is within 250 feet of a marked or unmarked crosswalk ~~or~~ unless the pedestrian is crossing certain streets in a residential area. Section 16 also requires a pedestrian to cross a highway at a right angle to the edge of the highway or, when a right angle is not possible or practicable, by the shortest route to the opposite side.

Existing law provides that driving a vehicle in willful or wanton disregard of the safety of persons or property constitutes reckless driving, and provides for the imposition of certain fines and terms of imprisonment on a driver who is found guilty of reckless driving. (NRS 484B.653) Section 29 of this bill authorizes a court to order a driver found guilty of reckless driving under certain circumstances to, in addition to the required fine or term of imprisonment, attend a course of pedestrian, bicycle and traffic safety if the reckless driving involved the safety of pedestrians or persons riding bicycles. Section 29 further provides that a person who resides more than 50 miles from the nearest location where such a course is offered may be exempted from attending the course.

Section 16 of Senate Bill No. 179 is hereby amended as follows:

Sec. 16. NRS 484B.287 is hereby amended to read as follows:

484B.287 1. Except as provided in NRS 484B.290:

~~{1.}~~ (a) Every pedestrian crossing a highway at any point other than within a marked crosswalk or within an unmarked crosswalk ~~at an intersection~~ shall yield the right-of-way to all vehicles upon the highway.

~~{2.}~~ (b) Any pedestrian crossing a highway ~~at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the highway.~~

~~3. Between adjacent intersections at which official traffic-control devices are in operation pedestrians shall not cross at any place except in a marked crosswalk.~~

~~4. shall cross at a right angle to the edge of the highway, or by the shortest route to the opposite side of the highway where a right angle is not possible or practicable except as otherwise provided in paragraphs ~~{(d)}~~ (e) and ~~{(e)}~~ (f).~~

(c) ~~{4.}~~ Except as otherwise provided in this paragraph, a pedestrian who is within 250 feet of a marked crosswalk or an unmarked crosswalk shall not cross the highway outside of the marked or unmarked crosswalk. ~~{4.}~~ On a residential street, a pedestrian who is within 250 feet of a marked or an unmarked crosswalk may cross the residential street outside of the marked or unmarked crosswalk in accordance with paragraphs (a) and (b).

(d) A pedestrian who is more than 250 feet from a marked or unmarked crosswalk may cross a highway in accordance with paragraphs (a) and (b).

~~{(d)}~~ (e) A pedestrian shall not cross an intersection diagonally unless authorized by official traffic-control devices.

~~{5.}~~ ~~{(e)}~~ (f) When authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

2. A person who violates any provision of this section may be subject to the additional penalty set forth in section 1 of this act.

3. As used in this section, "residential street" means a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 542 to Senate Bill No. 179 creates an exception for residential areas with a speed limit of 25 miles per hour or less on the streets; pedestrians do not need to use a crosswalk if they are crossing within 250 feet of a marked or unmarked crosswalk. In these instances, pedestrians must yield to vehicle traffic.

Amendment adopted.

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

Senate Bill No. 185.

Bill read third time.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Under existing law, Chapter 396 of *Nevada Revised Statutes*, the Board of Regents of the University of Nevada is authorized to issue revenue bonds to finance capital improvements. Senate Bill No. 185 increases, by \$79,360,000, the existing principal amount of bonds and other securities that may be issued by the Board of Regents from \$348,360,000 to \$427,715,000 to finance certain capital construction projects at the University of Nevada, Reno. The increased bonding authority would augment existing bond capacity to fund the demolition of Gatchell Library and build a Student Achievement Center; the seismic retrofit of Manzanita Residence Hall; build an indoor multi-purpose practice facility; expand the Lombardi Recreation Center facility; and build a new residence hall. This act becomes effective on July 1, 2013.

Roll call on Senate Bill No. 185:

YEAS—20.

NAYS—Cegavske.

Senate Bill No. 185 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senator Denis moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 1:09 p.m.

SENATE IN SESSION

At 2:04 p.m.

President Krolicki presiding.

Quorum present.

Senate Bill No. 192.

Bill read third time.

Remarks by Senators Hutchison, Ford, Spearman, Hardy, Jones and Cegavske.

SENATOR HUTCHISON:

Thank you, Mr. President. Senate Bill No. 192 was placed on the Secretary's Desk last Friday. I delivered the floor statement, which was followed by remarks by my friends and colleagues from Senate Districts Nos. 1, 3 and 11. I want to address some questions about anti-discrimination laws as well as women's reproductive rights.

Senate Bill No. 192 has been amended. I am happy that my colleague from Senate District No. 11 acknowledged, that with the amendments he suggested, his concerns about the adverse effects Senate Bill No. 192 may have on anti-discrimination laws have been resolved.

This law would impose a compelling state interest test if government substantially burdens somebody's free exercise of religion. The old compelling state interest test—which was established by the United States Supreme Court in 1963 by the Warren Court and authored by Justice Brennan—stood side-by-side with anti-discrimination laws. The *Sherbert v. Verner* decision in 1963 by Justice Brennan implemented this test, two years later in 1965, when the Civil Rights Act was enacted. For decades, these two laws stood side-by-side. In 1973, the United States Supreme Court decided *Roe v. Wade*. For decades, these three laws—the compelling state interest test, *Roe v. Wade* and the Civil Rights Act of 1965—stood side by side. The courts determined what was a compelling state interest when there was a clash of interests. It happened at times. The United States Supreme Court resolved these conflicts. Other federal courts have done so as well. We have many legal interests and often they compete. When this happens, the courts have to weigh competing interests.

Senate Bill No. 192 requires when the free exercise of religion is involved, and government substantially burdens the free exercise of religion, the compelling state interest test applies. This test was applied in a case involving a university that based its admissions standards on racially-discriminatory bases. The Internal Revenue Service revoked their tax-exempt status. As a result, Bob Jones University sued claiming they had a free exercise of religion right to discriminate. In *Bob Jones University v. United States*, the United States Supreme Court held that the government has a compelling state interest to preclude private actors from engaging in racially-discriminatory conduct and in adopting racially-discriminatory policies.

This case and other federal court decisions make it apparent that overcoming racial discrimination practiced by private entities is a compelling state interest that will outweigh religiously-based claims.

First Amendment rights such as free speech and free exercise of religion are fundamental rights guaranteed to United States citizens. Likewise, anti-discrimination laws grant important and time-honored rights to all citizens. For many years, courts have developed a body of law that deals fairly with conflicts between and among individual rights and societal interests. Senate Bill No. 192 continues and affirms that long tradition. I hope this analysis addresses some of the questions and issues about anti-discrimination laws and how they might be affected by this bill.

Concerning women's reproductive rights, my colleague from Senate District No. 11 cited a memorandum on the Floor on Friday produced by the Legislative Counsel Bureau. My colleague from Senate District No. 11 indicated that case law cited therein showed Senate Bill No. 192 would have an adverse effect on women's reproductive rights. I respectfully disagree with him. I have reviewed the memorandum at length, and I can find no case law that demonstrates there would be an adverse impact on women's reproductive rights. I note that the Legislative Counsel Bureau could not definitely say what current legal standard applies in free-exercise jurisprudence in this State.

There were hypotheticals presented by my colleague from Senate District No. 11 for which I can find no basis in fact or in law. Indeed, in the nearly 20 years since the enactment of the federal Religious Freedom Restoration Act, as well as the 15 years since the enactment of the first State Religious Freedom Restoration Act—similar to Senate Bill No. 192—there are no recorded cases where either: (a) a pharmacist has been permitted to refuse to provide contraception or morning-after pills based on his or her deeply-held religious beliefs; or (b) an emergency room physician has been permitted to refuse to abort a child in an emergency situation based on his or her deeply-held religious beliefs. I can find no basis in law or fact presented in case law to suggest a contrary conclusion.

There were concerns expressed about Senate Bill No. 192 in the context of the civil rights arena which I would like to address. Those arguments are also inaccurate. There are no recorded cases under the State Religious Freedom Restoration Act or federal Religious Freedom Restoration Act laws where a person was allowed to discriminate against a protected class of persons based on his or her deeply-held religious convictions.

I turn to the specific findings of the Legislative Counsel Bureau in the memorandum referenced earlier. I appreciate my colleague from Senate District No. 11 sharing this document

with me and others. The memorandum addressed the specific question: “whether Senate Bill No. 192 would cause health care professionals to take certain actions that conflict with their religious beliefs.” The Legislative Counsel Bureau then evaluated that legal question. The Legislative Counsel Bureau confirmed that Senate Bill No. 192 would do exactly what I referenced in my floor statement on Friday, April 19: if enacted, the courts would analyze the constitutionality of a government’s action alleged to violate a person’s free exercise of religion. Courts would require the plaintiff to show that the plaintiff’s conduct constituted a free exercise of religion. The Legislative Counsel Bureau responded, “If a plaintiff demonstrates that a government action has substantially burdened the free exercise of his or her religion, Senate Bill No. 192 would require the government to justify the action by showing that the action is the least restrictive means to further a compelling governmental interest.” Then the Legislative Counsel Bureau said, “It is the opinion of this office that a court may find a governmental interest compelling if the government demonstrates that the government’s interest justifies the action in question. Further, a court will find that an action is the least restrictive means of furthering the governmental interest if the action only prohibits conduct detrimental to the governmental interest. However, if the action prohibits more than the conduct than was necessary to further a governmental interest, a court will likely find that the action is not the least restrictive means to further the governmental interest.”

My colleagues, this is exactly the type of policy we should adopt. This is exactly what Senate Bill No. 192 does. It is an articulation of a legal standard to protect the free exercise of religion of all Nevadans, but it is not a standard that guarantees an outcome. I know of no law we can pass that guarantees an outcome. When there are competing governmental or societal interests, a court must weigh the interests and choose the one with the weightiest interest in a specific factor context.

Hence, when Senate Bill No. 192 is applied to a case involving a pharmacist, or some other health care professional, who raises an objection to prescribing a certain medication or providing certain medical care due to sincerely-held religious beliefs, the Legislative Counsel Bureau candidly and correctly opined, “If a court applying the test prescribed by Senate Bill No. 192 were to determine that the regulation requiring a pharmacist to dispense medication,” except in certain limited circumstances, “imposes a substantial burden on their free exercise of religion, the burden of proof would then shift to the State to demonstrate that it has a compelling state interest in requiring the pharmacist to fill a prescription when use of the prescription or drug would violate his or her religious beliefs.” The Legislative Counsel Bureau acknowledges it does not know how this situation will turn out every time. The Legislative Counsel Bureau could not guarantee a result. “It is difficult to determine whether the court would find that the application of these provisions to such a health care provider would substantially burden the free exercise of religion. However, even if a court found the free exercise of religion to be substantially burdened, the court would likely hold that such an application is the least restrictive manner of furthering a compelling governmental interest. Therefore, it is the opinion of this office that a court using the strict scrutiny test prescribed by Senate Bill No. 192 would likely uphold the regulation requiring pharmacists and doctors to perform the medical procedures or dispense the medication under the First Amendment as well as under the *Nevada Constitution*.” When the Legislative Counsel Bureau analyzes the situation, it concluded our current laws requiring pharmacists to dispense medication, except in certain circumstances, are a compelling governmental interest. The same goes for a physician who may be faced with an abortion in an emergency situation.

In response to my colleague from Senate District No. 11 and his concern about restricting women’s reproductive rights in certain parts of this State, where doctors or pharmacists are few in number, I reply, the facts and the law do not support his concern.

As I mentioned, the hypothetical situations presented are not found in law or fact. I respectfully point out that Senate Bill No. 192 does not mandate or establish that a pharmacist or other health care provider has the right to refuse to provide contraception or to perform an abortion in emergency circumstances. Indeed, the Legislative Counsel Bureau has opined that the State would have a compelling governmental interest to require them to do so. The *Nevada Administrative Code* as well as *Nevada Revised Statutes* require the pharmacist, as well as a doctor, to do just that.

I am hard pressed to come up with any circumstance in which the Nevada Supreme Court would not find that the State of Nevada had a compelling state interest in making sure that women have access to health care including contraception and abortion in emergency situations. I believe that my colleague from Senate District No. 11 articulated the State's compelling interest on Friday when he said, "I believe it is unfair, for example, to require women who may live in a more isolated part of the State to have to travel to Las Vegas or Reno to exercise her constitutional right regarding reproduction." I fully agree. I fully support women's reproductive rights.

It is my view that under Nevada Supreme Court precedent, the court would likewise agree with my colleague from Senate District No. 11. The Court has demonstrated again and again a steadfast commitment to women's reproductive rights.

I conclude that it is unknown at this point, based on my research, what specific standard the Nevada Supreme Court would apply in evaluating free-exercise constitutional challenges. One of the reasons we should pass Senate Bill No. 192 is so we will know. We are not talking about a mythical right or an afterthought. We are talking about the First Amendment to the *United States Constitution*. It has been called "first among equals," this free exercise of religion. It is what Thomas Jefferson said: an inalienable right. The least we can do when this kind of fundamental right is at issue, is to require, if the government is going to substantially burden that right, that they demonstrate a compelling state interest that is narrowly tailored before doing so.

SENATOR FORD:

Thank you, Mr. President. I would like to state a couple of points in response to the statement of my colleague from Senate District No. 6. Responding to the last statement about which standard would apply—today, it is the neutral applicability standard. Under this standard, there is no question in my mind, the laws we currently have on the books, relative to dispensing medication, would be upheld under a neutral applicability standard.

The mere fact that we are revising the standard and having to then go through an analysis under a new standard, the compelling government interest standard, tells me that my point is proven. I do not want to have to subject women to the question of whether they have to go to court to enforce this particular right.

Although, you may not be able to find a case for an example right now, the federal Religious Freedom Restoration Act is being used to undermine Obamacare provisions regarding contraception. We need to be careful, timing is paramount. When we pass this law, if we pass it, the antenna will rise and those who otherwise would not have been filing lawsuits, or otherwise not depriving women of their right to the "morning-after pill," will now be emboldened with a false sense of ability to do so. It may very well end up being a true sense of ability to do so because we are attempting to change the standard.

Do we want that analysis under the new standard? Do we want a court in every single jurisdiction in our State having to determine whether or not this new standard trumps a woman's right to choose what she wants to do with her body in terms of reproduction? As I stated Friday, I am not comfortable with that. I remind everyone that there is nothing that has been said today that undermines or differentiates anything I said on Friday. The analysis is still there. The current analysis, as we know it, exists and will allow our current laws and statutes to be upheld.

I believe enacting the Religious Freedom Restoration Act under this standard will throw a certain level of confusion into the system that we should all be concerned about. I respectfully request that you vote "no" on this measure.

SENATOR SPEARMAN:

Thank you, Mr. President. To my esteemed colleague from Senate District No. 6, I appreciate the elicitation that you have so eloquently stated. However, with regard to religion, one of the most vicious terrorist groups to ever exist in America, "The Night Riders," took their pictures in front of crosses. When they wanted to make a statement about hatred or about certain people not belonging here, they did it with a symbol of the cross.

With respect to whether or not this does or does not ameliorate those facts, I have to stand with my colleague from Senate District No. 11 and say I am not convinced. History is replete with examples of how people have used religion as a scapegoat, as a cloak to discriminate.

Whether because of culture, ethnicity, affection, orientation or other things, people can find religion a convenient cloak to mask what otherwise would be called discrimination.

SENATOR HARDY:

Thank you, Mr. President. I am not going to pretend to be as erudite as my colleagues who have law degrees or people who have more experiences than I have. I feel compelled to say, “we have come a long way baby.” Fifty percent of medical students are women. Physicians are taught and trained not to be judgmental, to help and assist and “do no harm.”

In my life as a physician, I have tried to get people the help they need, whatever help they have needed. In my heart of hearts, understand that I have a conscience, even doctors are people too with their own challenges, individually and collectively. The medical profession has come a long way. For example, the morning-after pill, or “Plan B” as it is called by brand name, is available without a prescription. You do not have to go to a doctor if you are over 18 years of age. The availability of the method of protecting someone has been in effect for a long time. It is in this Country and available without a prescription.

Physicians, as people and as citizens, have a right to conscience. I am not going to pretend to sway anybody or change anyone’s mind. It was distressing to me to talk with representatives of an organization that is championing the contesting of the bill and hear them express they do not want to make doctors do abortions. They wish to carve them out of this so they will not be able to use religion as the reason they will not provide an abortion. Some of us have a challenge, an appropriate challenge, of differentiating our conscience with our religion.

I do not believe in burning crosses nor do not believe in taking pictures in front of crosses. At church, I hear the children sing, “I am a child of God.” Every one of us is a child of God, and each and every one of us will have challenges in our lives. I hope as a physician and a brother that I will be in a position not to offend, but to help people when they need it. I am supportive of this bill and, would like to note for the record, that I am counted as being in support of allowing people to have the right of conscience in this and in our great State and our great Nation.

SENATOR JONES:

Thank you, Mr. President. When my colleague from Senate District No. 8 originally approached me on this bill I spoke with her and a couple of other colleagues. Since then things have grown more complex. I want to make sure we get this right. I want to make sure we are all on the same page as to the intent of this bill.

I would like to hear from the sponsor, my colleague from Senate District No. 8, regarding her intentions and whether she is in agreement with the Senator from Senate District No. 6’s reading of the Legislative Counsel Bureau’s opinion?

SENATOR CEGAUSKE:

Thank you, Mr. President. To my colleague from Senate District No. 9, yes, I am in agreement with my colleague from Senate District No. 6’s reading of the memorandum. I have read the analysis by the Legislative Counsel Bureau. Thank you to our colleague from Senate District No. 11 for sharing it with us. I appreciate everyone’s support of Senate Bill No. 192.

Roll call on Senate Bill No. 192:

YEAS—14.

NAYS—Atkinson, Ford, Manendo, Parks, Smith, Spearman, Woodhouse—7.

Senate Bill No. 192 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 208.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President. Senate Bill No. 208 expands the definition of “police officer” to include: court bailiffs and deputy marshals of a district court or justice court, and chiefs and assistant alternative sentencing officers of departments of alternative sentencing.

Roll call on Senate Bill No. 208:

YEAS—21.

NAYS—None.

Senate Bill No. 208 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 209.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President. I rise in support for Senate Bill No. 209 which requires the Board of Economic Development, in addition to other recommendations it makes to the Office of Economic Development regarding the State Plan for Economic Development, to make recommendations specific to the development and implementation of a recruiting and marketing effort to attract professionals and businesses to this State.

Roll call on Senate Bill No. 209:

YEAS—21.

NAYS—None.

Senate Bill No. 209 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 211.

Bill read third time.

Remarks by Senator Cegavske.

Thank you, Mr. President. Senate Bill No. 211 requires that an advertisement for health care services identify the type of license held by each practitioner named in the advertisement. The measure requires a health care practitioner to communicate his or her licensure to all patients by: (1) conspicuously displaying in each office where he or she practices a written patient disclosure statement identifying the type of license held; and (2) wearing a name tag while delivering health care services that indicates his or her licensure, if applicable. I ask for your support.

Roll call on Senate Bill No. 211:

YEAS—21.

NAYS—None.

Senate Bill No. 211 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 217.

Bill read third time.

Remarks by Senators Manendo and Goicoechea.

SENATOR MANENDO:

Thank you, Mr. President. Senate Bill No. 217 provides that if the probable cost of a road or bridge construction project does not exceed \$100,000, a county with a population less than 100,000, all counties except Clark and Washoe Counties, may advertise for bids and let contracts pursuant to existing statute or may perform its own work with county employees or day labor and using county equipment. If the probable cost of the work exceeds \$100,000, such a county is required to advertise for bids and let contracts pursuant to local government purchasing or public works statutes, except that, in a county whose population is less than 45,000, currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey and White Pine Counties. The Board of County Highway Commissioners may instead determine to perform the work with its own resources if the estimated cost of the project is between \$100,000 and \$250,000. This bill is effective on July 1, 2013.

SENATOR GOICOECHEA:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 217. We are all aware that in the rural counties, and especially in the smaller rural counties with populations of less than 45,000 people, the road system is predominantly gravel roads. When it costs \$100,000 for a truck, we are burning \$4-per-gallon fuel in them and we have to equip them with \$1,000 tires, the \$100,000 threshold is reached quickly.

Senate Bill No. 217 requires that a public hearing be held within 15 days, list all of the equipment that will be on the job, list the employees too. I support the intent of the bill, but this is definitely overkill. Asphalt costs \$100,000 per mile, just the asphalt. The county road departments do good work maintaining these roads. This bill proposes to take away their abilities and require a public hearing, additional time constraints and expenses that they do not need. I urge you to oppose this bill.

Roll call on Senate Bill No. 217:

YEAS—17.

NAYS—Brower, Goicoechea, Gustavson, Settelmeyer—4.

Senate Bill No. 217 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 224.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President. I rise in support of Senate Bill No. 224 which imposes a fee of \$500, in addition to any other penalty, if a person pleads guilty or is found guilty of certain charges of driving under the influence of intoxicating liquor or a controlled substance. The money collected from the fee must be used to support a specialty court program established to facilitate testing, treatment and oversight of certain persons who suffer from a mental illness or abuse alcohol or drugs. The measure provides for the imposition of community service if a defendant is unable to pay the fee. This bill is effective on July 1, 2013.

Roll call on Senate Bill No. 224:

YEAS—21.

NAYS—None.

Senate Bill No. 224 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 228.

Bill read third time.

Remarks by Senators Parks and Kieckhefer.

SENATOR PARKS:

Thank you, Mr. President. Senate Bill No. 228 revises the Nevada Ethics in Government Law, including provisions relating to government contracts, conflict of interest and disclosure, lobbying or other representation before state and local agencies, employment in certain circumstances and operations of the Commission on Ethics. Provisions relating to public officers and employees having an interest in government contracts, including sole source contracts, are revised. Procedures for voiding government contracts for ethical violations are clarified. Revisions are made to restrictions on various public officers and employees who lobby for private individuals before certain public agencies.

Public officers and employees are prohibited from misusing their positions to benefit private interests. A public officer or employee shall not concurrently serve in one office and hold a separate office that gives that person controlling influence over any circumstances related to his or her own employment, including the employer, supervisor or agency.

The Commission on Ethics shall adopt regulations requiring disclosure and defining gifts. Provisions relating to confidentiality of Commission on Ethics records are revised. Certain individuals are required to complete a course on statutory ethical standards, conducted by the Executive Director.

Provisions prohibiting former public officers and employees from representing individuals before certain government agencies for one year after termination do not apply to those who held their positions before January 1, 2014, unless after that date an individual assumes a new position.

SENATOR KIECKHEFER:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 228. While there are many good things in this bill, I take significant exception to Section 40—the bad cannot overcome the good. Section 40 provides strict and stringent restrictions on what State employees will be able to do if they decide to leave the State. I think back to my time working in the State Department of Health and Human Services, and I think of the various people I came into contact with. There are scores and scores of individuals who, if they decided for some reason to seek employment outside of State service, they would be prohibited from doing so in their areas of expertise. The one-year prohibition on working in the private sector for a company that had been influenced by your area of employment, I find it far too strict on a person's ability to sustain themselves and seek employment. I do not see a logical nexus between the stringency applied in this bill and any proven need for it. For the constituents in my district who work for the State and who may, someday, wish to do something else, I cannot support this.

Roll call on Senate Bill No. 228:

YEAS—11.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10.

Senate Bill No. 228 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 243.

Bill read third time.

Remarks by Senators Smith, Hardy, Roberson, Ford, Cegavske, Brower, Atkinson and Gustavson.

SENATOR SMITH:

Thank you, Mr. President. I rise in support of Senate Bill No. 243 which establishes the State DNA Database and specifies the duties and responsibilities of forensic laboratories with respect to DNA records. The bill provides the procedures for submitting a biological specimen to a forensic laboratory for genetic marker analysis when a person is arrested for a felony.

If a court or magistrate determines that probable cause did not exist for the person's arrest, the measure provides that the biological specimen must be destroyed within five business days after receipt of notice. The measure also provides that if a person is arrested for a felony and is not convicted, the person may make a written request to the Central Repository for Nevada Records of Criminal History to destroy the biological specimen and the DNA profile and purge the DNA record from the forensic laboratory, the State DNA Database, and CODIS. The measure increases the penalty for sharing or disclosing certain information relating to another person's biological specimen or genetic marker analysis from a misdemeanor to a category C felony.

Further, the measure imposes an additional administrative assessment of \$3 on a person convicted of a misdemeanor, gross misdemeanor, or felony to help pay for the costs of obtaining a biological specimen and conducting a genetic marker analysis. Finally, the measure establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice. The members of the Subcommittee are appointed by the Chair of the Commission and must, at a minimum include: (1) a member experienced in defending criminal actions; and (2) a member of a minority community organization whose mission includes the protection of civil rights for minorities.

To my colleagues, Senate Bill 243 is also known as "Brianna's Law," named after Brianna Denison who was murdered in early 2008 in Reno, Nevada. I would like to ask my colleagues to please join me in supporting this important piece of crime-fighting legislation. Data tell us that a small number of criminals in our society commit the vast majority of heinous crimes.

A recent University of Virginia study found that violent offenders whose DNA is collected and stored in a database are 23.4 percent more likely to be convicted of another crime within three years than their un-profiled counterparts. Larger DNA databases are associated with lower crime rates in this study from 2000 to 2008. The estimated magnitudes imply that one common policy proposal—this one—expanding databases to include individuals arrested for serious felonies, would result in a decrease in murders, rapes, aggravated assaults and vehicle thefts.

To be more specific, the City of Chicago has done a scientific study on the use of arrestee DNA that followed eight convicted felons and found that if their DNA had been taken at the time of their first felony arrests, 60 crimes, including 53 rapes and several murders, would have been prevented.

There is the case of Chester Turner in California. He was arrested a total of 21 times over a period of 15 years without ever being convicted of a crime that allowed his DNA to be taken. When he was finally convicted of a rape and his DNA profile was uploaded into CODIS, it matched the crime scene evidence found on 12 raped and murdered women. His first victim was murdered two months after his first felony arrest. To make matters worse, a man named David Jones had been wrongfully convicted for two of these murders and spent 11 years in prison.

One cheek swab taken at the time of arrest could have saved 11 lives and prevented an innocent man from spending 11 years in prison.

In New Mexico, the state legislature passed similar legislation in 2006. The first man swabbed under the new law—only one hour and 14 minutes after it went into effect—saw his DNA matched to a double homicide.

To my colleagues, this works. It's an important crime-prevention tool and it keeps bad people from hurting the innocent people in our world. I urge your support.

SENATOR HARDY:

Thank you, Mr. President. I would like a point of clarification. Did I hear correctly that this would only go into the database if the person is convicted? Or is it when they are arrested?

SENATOR SMITH:

Thank you, Mr. President. This is arrestee DNA for felonies. The DNA is taken when the person is booked. We already have DNA legislation for convictions. This is for arrestees.

Another helpful clarification might be to note that the federal law already requires this, and we do it for federal arrests.

SENATOR ROBERSON:

Thank you, Mr. President. I want to thank the Assistant Majority Leader for bringing this bill forward. She brought it last Session and many of us worked hard to get it passed, but we were unsuccessful. This is a critical piece of legislation. I urge you all to support it. It is important. Again, thank you Assistant Majority Leader.

SENATOR FORD:

Thank you, Mr. President. I rise in support of Senate Bill No. 243. Thank you very much to my colleague from Senate District No. 13.

I recognize the potential benefits of collecting DNA from people who are simply arrested but never convicted. I have, however, voiced my concerns about how this bill could disproportionately impact the rights of minorities in our community. I am delighted that my colleague from Senate District 13 acknowledged my concern and accepted my recommended amendment.

The amendment creates a subcommittee which will review and evaluate the collection and use of arrestee DNA to ensure that in the implementation of this statute we do not so disproportionately impact the rights of minorities as to outweigh the benefits of collecting this DNA. The committee will consist of several members, including one from the civil rights community and another from the criminal defense bar. I am optimistic that the committee will aid us in ensuring the processes contemplated under this DNA bill are implemented fairly and in a nondiscriminatory fashion.

Additionally, while we do not have before us this Session a bill which would create greater access to DNA records for those who have been convicted, I also support this bill as part of a larger project—which many of you have endorsed—of creating in the next Session, a system whereby inmates may readily and inexpensively access DNA evidence relevant to their cases. As many of you know, the use of arrestee DNA could play a role in exoneration of wrongfully convicted individuals. For our comments and belief to have full force, we must create meaningful access to DNA evidence. I expect to present such legislation in the next Session and I would hope you would equally support me in such efforts.

Again, thanks to the Senator from District 13 for your willingness to assuage my concerns with this bill. I commend you.

SENATOR CEGAVSKE:

Thank you, Mr. President. Thank you to my colleagues from Senate Districts Nos. 13 and 11. How many other states have this legislation in place? I appreciate the compelling statements from my colleague from Senate District No. 13. I also appreciated the tour that was organized of the DNA processing facilities in southern Nevada. There were comments made by colleague from Senate District No. 13 regarding cases in other states. If California had this law, would the DNA have matched up? Is there a central repository where DNA samples are matched? How does that work from state to state?

SENATOR SMITH:

Thank you, Mr. President. To my colleague from southern Nevada, I believe 28 states have passed this legislation and a version has already been adopted by the United States Congress for federal arrests. Arrestee DNA collected has been supported by the current United States President as well as the previous United States President. The Combined DNA Index System or “CODIS” that I referred to in the legislation is where DNA profiles are housed and matched. The CODIS system is confidential and well secured. There are no names associated with a DNA profile. When a specimen is uploaded and a match is made, it is triggered back to the crime lab for identification of that person. So yes, matches are made from state to state, and because we have federal arrestee DNA legislation, all of that is in the system as well.

SENATOR BROWER:

Thank you, Mr. President. I too rise in support of Senate Bill No. 243. I want to first of all congratulate my colleague, the Assistant Majority Leader, for her perseverance in seeing this bill through for a second Session. I am confident that this time we will be successful.

I would like to clarify a few points. It is important to understand that a DNA sample taken from an arrestee who is later not convicted is destroyed and does not go into the system. This was a concern raised by many constituents, and this bill addresses that concern. I can tell you firsthand, from the law enforcement perspective, this legislation is important. It is the fingerprinting of the 21st century. This legislation will help solve crimes, and it will help exonerate those wrongfully convicted of crimes. I urge your support.

SENATOR ATKINSON:

Thank you, Mr. President. I too would like to echo the sentiments thanking the Assistant Majority Leader and my colleague from Senate District No. 11. I had some concerns last Session with this proposed legislation as well as some concerns going into this Session. The majority of my concerns have been addressed.

My colleague from Senate District No. 11 mentioned a review committee. Is this committee going to be responsible for reviewing how we are going to assure that the falsely accused have an avenue for their information to be taken out of the system? This is an important issue for the constituents that I represent. I would appreciate this concern being clarified for the record.

SENATOR SMITH:

Thank you, Mr. President. If I may answer first, then have my colleague from Senate District No. 11 weigh in.

I made a commitment to the Senate Committee on Judiciary when this legislation was processed that I would personally follow through and make sure that the designated subcommittee has the opportunity to review how the bill is to be implemented and how it works once it goes into effect. There is legitimate concern to make sure that no one is adversely affected and that there is a path for expunging a DNA profile. I believe that we have provided for that in this legislation, as has been explained, with the DNA profile being destroyed if a person is not charged with a crime and then giving that person the ability to expunge their DNA profile if they are not convicted. This committee is fairly open for what they can review in their work and that gives me a lot of comfort. The committee will be deciding what is important for them to review and report back during the next Legislative Session.

SENATOR FORD:

Thank you, Mr. President. I agree wholeheartedly with my colleague from Senate District No. 13 in regard to answering the question from our colleague from Senate District No. 4. I would like to add that this committee, as far as I understand it, would have the ability to define the questions that are important to ask. We determined, through the bill, that there would be at least two members that know the right questions to ask: one member from the civil rights community and one member of the criminal defense bar. If the concern of my colleague from Senate District No. 4 is a concern of the subcommittee, it will certainly be something that they have the ability to address.

In addition to that fact, as the Assistant Majority Leader indicated, if someone is exonerated, their DNA gets expelled. Upon being arrested and upon the DNA swab being given, the arrestee will also be given a piece of paper that tells them how to get rid of the DNA profile to the extent that those things happen. I think that is very important that we keep these things in mind as well as that we are doing all that we can to make certain that this law is not used disproportionately to affect those less advantaged.

SENATOR GUSTAVSON:

Thank you, Mr. President. To my colleague from Senate District No. 13, if DNA is taken upon arrest of any crime and then expunged when innocent or exonerated, how will it enhance the current law that we already take DNA upon conviction? From the time of arrest to the time of conviction, is this DNA profile going to be used to see if someone has been arrested, found guilty or possibly committed any other crimes?

SENATOR SMITH:

Thank you, Mr. President. To my colleague from Washoe County, if you are booked, your DNA will be taken. If you are not charged, your DNA will be destroyed. If you are not convicted you will have the right to have your DNA expunged from the system.

If you are charged and your DNA profile is put into the system, it is going to search for a match if there are any other crimes out there that have that similar DNA. That is where these repeat offenders are identified because, as we know, sometimes it takes years before someone is actually convicted. But as soon as someone is charged, that DNA profile will go into the system. As I explained in my testimony, many hits on a DNA profile might take place to identify criminals who have committed other heinous crimes.

SENATOR ROBERSON:

Thank you, Mr. President. For those of you who are new to this Body or have not been following this closely, it is important to understand just how long the Senator from Senate District No. 13 has been working on this. She and the family of Brianna Denison have worked tirelessly for years on this legislation. They have worked with stakeholders who have had concerns, and they have addressed those concerns.

This is the right policy for this State. This vote deserves a unanimous vote and approval today. I encourage you to vote "for" Senate Bill No. 243.

Roll call on Senate Bill No. 243:

YEAS—21.

NAYS—None.

Senate Bill No. 243 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 246.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Senate Bill No. 246 requires a business or social organization to register with the Secretary of State as a committee for political action if that organization either receives contributions or makes expenditures for the purpose of affecting the outcome of an election. If an organization is formed to affect election outcomes, it must report when it receives contributions or makes expenditures in excess of \$1,500 in a calendar year. An organization formed for another purpose shall report when it receives contributions or makes expenditures to affect election outcomes in excess of \$5,000 in a calendar year. This bill received unanimous support from the Senate Committee on Legislative Operations and Elections. I urge your support.

Roll call on Senate Bill No. 246:

YEAS—21.

NAYS—None.

Senate Bill No. 246 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 267.

Bill read third time.

Remarks by Senators Woodhouse, Settlemeyer, Brower, Hutchison, Atkinson, Cegavske, Spearman, Denis and Hardy.

SENATOR WOODHOUSE:

Thank you, Mr. President. Senate Bill No. 267 prohibits an owner or operator of a tanning establishment from allowing a person who is less than 18 years of age to use the tanning equipment. The measure requires an owner or operator to ensure that a qualified person be present at the establishment during operating hours and that each user be aware of and use certain safety equipment. Also, a person is prohibited from using the equipment unless he or she signs a statement of acknowledgment and uses protective eyewear while tanning.

An owner or operator must conspicuously post a warning sign informing users of certain safety procedures that must be followed while using the equipment. The measure establishes civil penalties for failing to post such signs. A physician who prescribes the use of a phototherapy device, as well as any person prescribed the use of such a device by a physician, is exempt from these provisions. This bill is effective on July 1, 2013. I urge you to vote in favor of this measure because it is one small step in helping prevent our young people from the terrible disease of skin cancer when they are so young.

SENATOR SETTELMAYER:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 267. The amendment bans anyone under 18 years of age from utilizing a tanning bed at a commercial facility. It still leaves open the ability for someone to go over to a friend's house, who has a tanning bed, so we have not necessarily eliminated the problem.

The amendment creates a private cause of action, where an individual can go after a business if it allows someone who is underage to use a tanning bed. It would allow the recovery of "reasonable attorney fees" as well. I believe Senate Bill No. 267 will increase litigation and will not necessarily have the desired effect. If children do not use a tanning bed, they can still go outside in the sun to tan. I do not support the legislation.

SENATOR BROWER:

Thank you, Mr. President. I also rise in opposition to Senate Bill No. 267 because it goes too far. I appreciate the sponsor's intent. I have two teenagers. However, to create a new private right of action, without any proof of damages, is unreasonable. Parents being able to sue if their 16 year old was able to use one of these facilities without regard for whether they were damaged or not makes no sense. This is a classic example of government over-regulation of the type that most of us rail against in our campaign rhetoric, but rarely ever vote to do anything about. We can do something about it today. I urge your "no" vote on Senate Bill No. 267, an overreaching piece of legislation.

SENATOR HUTCHISON:

Thank you, Mr. President. I rise in support of Senate Bill No. 267. I am usually one of the Senators who, as my colleague from Senate District No. 15 notes, rails against this kind of legislation. Nevertheless, I was persuaded by the testimony in the Committee and through my own experience that sometimes people under the age of 18 years need a little extra protection. We see our children going to these tanning establishments with their friends, who are children themselves. They burn themselves to the point where they get cancer. There are documented cases of this happening.

I do not mean to sound flippant, but I often have to tell my children who are under 18 years of age, what is dangerous to their health. My colleague from Senate District No. 12 could probably confirm that our brains—understanding and reasoning—are not fully developed until about 25 years of age. Accordingly, there are times when laws are enacted that assert some control over environments in which our children can frequent and find dangerous situations. We may not be immediately aware of these environments and dangers.

Although I certainly can appreciate the points of my colleague from Senate District No. 15, I voted in favor of Senate Bill No. 267 in Committee and would encourage my colleagues to do likewise. Sometimes our children do not know what is best for them, and sometimes they need to be protected. This is one of those situations when we're dealing with something as serious as cancer.

SENATOR ATKINSON:

Thank you, Mr. President. I thought my colleague from Senate District No. 6 did a very good job of explaining it from a committee member's standpoint.

To my colleague in Senate District No. 15, while your arguments are good, my colleague from Senate District No. 6 makes a better argument. It has always been our duty and our responsibility—I would not necessarily say it is overreaching—to take care of and make sure we know what our children are doing. Our children are still being hurt. They are still going into these tanning beds and doing harm to themselves.

This is an opportunity for us to do something to make sure we are putting safeguards in place. I applaud my colleague's efforts in compromising because this is not the bill we saw in Committee. Considering where we were with this piece of legislation, the sponsor of the bill did a very good job in addressing a lot of concerns. I stand in support of Senate Bill No. 267, and I hope my colleagues join us.

SENATOR CEGAUSKE:

Thank you, Mr. President. Two issues raise a concern for me. First, I do support and encourage any tanning facility not to allow anyone who is under the age of 18 to use their services. I think that would be responsible for tanning establishments. Second, what it was that these facilities have done that is so heinous that we would put the lawsuits in place—the ability to sue that facility. If someone could explain that to me, maybe you could sway me. I am really concerned about it.

I agree that these youngsters should not go in to the tanning beds. I believe it has been established that notification on the walls is required stating tanning can be harmful, which was passed several years ago. However, I want to know from one of the Committee members, what was it that compelled them to put the penalties in place?

SENATOR WOODHOUSE:

Thank you, Mr. President. The penalties are in Section 12, and the purpose for those penalties are exactly what my colleague from Senate District No. 8 indicated: it is to put some teeth in the law. If a business owner does allow a young person under the age of 18 to come into the establishment and use the tanning bed, then the parent or guardian has recourse against that person who has violated the law. That is exactly what it is. It is the teeth to make sure this practice is stopped. I urge your support.

SENATOR SPEARMAN:

Thank you, Mr. President. I rise in support of Senate Bill No. 267 for the same reason I supported my colleague from Senate District No. 17's legislation with regard to cigarettes and minors. I think it is incumbent upon us, as adults over age 25, who have fully formed brains, to really look out for our children. I do not see this as overreaching because we have laws in existence right now that shield minors from making a decision to drink alcohol, to smoke cigarettes and to punish those who purchase cigarettes and deliver them to minors. I see this legislation as an extension of those protective actions. I rise in support and urge my colleagues to do so as well.

SENATOR DENIS:

Thank you, Mr. President. I rise in support of Senate Bill No. 267 as a father of five children, four of which have been teenagers and some have not gotten to the mature age of 25 yet. As a parent, you always look forward to that day when your child says, "You know dad, when you used to tell me that I should not do this, because of that, I sure appreciate that you did," even though they did not appreciate it at the time. Cancer is a serious thing, and we want to protect our kids however we can. I appreciate my colleague for bringing this legislation forward and being able to work out all the issues. I stand in support.

SENATOR HARDY:

Thank you, Mr. President. I stand in support of Senate Bill No. 267, and I am against cancer.

Roll call on Senate Bill No. 267:

YEAS—17

NAYS—Brower, Goicoechea, Gustavson, Settlemeyer—4.

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

Bill ordered transmitted to the Assembly.

Senate Bill No. 278.

Bill read third time.

Remarks by Senators Ford and Jones.

SENATOR FORD:

Thank you, Mr. President. I rise in support of Senate Bill No. 278 which provides for an expedited process for abandoned homes through the foreclosure process. It adds a strict definition of “abandoned home.” I urge this Body’s support.

SENATOR JONES:

Thank you, Mr. President. I rise in support of Senate Bill No. 278. I applaud my colleague from Senate District No. 11 for his diligent efforts on this legislation. Too often while knocking on doors last year, I came across abandoned properties with overgrown or dead vegetation, homes stripped of all valuable contents or vacancy notices posted on the front door that were clearly months old.

My own next door neighbors abandoned their home leaving their pool so green with algae, we had to call the county to have it drained. Abandoned properties drive down the values of residents who remain in their homes and also attract criminal activity. Senate Bill No. 278 will benefit neighborhoods and homeowners throughout Senate District No. 9 and the State. I urge your support.

Roll call on Senate Bill No. 278:

YEAS—21.

NAYS—None.

Senate Bill No. 278 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 283.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Senate Bill No. 283 revises the Nevada Ethics in Government Law. When resolving certain requests for opinion, the Commission on Ethics shall treat comparable situations similarly and shall ensure that disposition of a request reasonably relates to the severity of the violation. The Commission shall consider certain factors when determining the amount of any civil penalty, including the seriousness of the violation, a person’s history of previous warnings or violations, mitigating factors and any other matter justice may require. The definitions of “intentionally” and “knowingly” are revised to require proof of intent or reckless disregard and knowledge of the prohibition against the conduct. A two-thirds vote is required to impose a finding that a violation was willful.

Roll call on Senate Bill No. 283:

YEAS—21.

NAYS—None.

Senate Bill No. 283 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 286.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Senate Bill No. 286 modernizes our Anti-SLAPP, Strategic Lawsuit Against Public Participation, laws in response to the Ninth Circuit Court of Appeals decision from last year. It found that the existing statutes were limited in scope.

Senate Bill No. 286 defines the right to free speech in direct connection with an issue of public concern to be in a place open to the public or in a public forum. A person who engages in such communication is immune from any civil action for claims based upon that communication. If a civil action is sought and the person who engaged in the communication files a special motion to dismiss, the measure adds a process for the court to follow and provides that a court ruling on the motion must be made within seven judicial days after the motion is served upon the plaintiff.

As a result of our antiquated Anti-SLAPP laws, businesses were not moving to the State of Nevada or were seeking to move out of the State. This bill passed unanimously out of the Senate Committee on Judiciary. I urge your support.

Roll call on Senate Bill No. 286:

YEAS—21.

NAYS—None.

Senate Bill No. 286 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 297.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President. Senate Bill No. 297 adds an attempt or conspiracy to commit certain crimes against persons who are older or vulnerable to the list of crimes for which additional penalties must be imposed. This bill is effective on October 1, 2013. I would like to thank the Minority Leader for bringing this bill. It was a missing link in the statutes with respect to crimes against elderly and vulnerable people. I urge your support.

Roll call on Senate Bill No. 297:

YEAS—21.

NAYS—None.

Senate Bill No. 297 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 307.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Senate Bill No. 307 makes changes to trusts, estates and probate. It changes the Trust of States and Probates, amends the definition of an “interested person” to include all persons whose interest in an estate or trust will be materially affected by a decision of a fiduciary or a decision of the court. In addition, the measure revises provisions relating to

wills, including clarification that if a declaratory judgment is entered during the lifetime of the decedent, declaring a document to be the valid will of the decedent, then the validity of that will is not subject to challenge after the death of the decedent.

The measure authorizes the waiver of an inventory or appraisal of the property upon unanimous written consent of each interested person. It enacts into statute certain duties of a fiduciary and adds to the powers of a trustee to combine or divide trusts and the power to change the name of a trust in certain circumstances. I urge your support.

Roll call on Senate Bill No. 307:

YEAS—21.

NAYS—None.

Senate Bill No. 307 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Denis moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 3:29 p.m.

SENATE IN SESSION

At 3:49 p.m.

President Krolicki presiding.

Quorum present.

Senate Bill No. 312.

Bill read third time.

Remarks by Senator Manendo.

Thank you, Mr. President. Senate Bill No. 312 makes the Department of Motor Vehicles responsible for regulating and registering the organizations that sponsor and conduct victim impact panels. Each meeting of a victim impact panel must be conducted by a qualified coordinator and have security personnel on-site. Victims who wish to make a presentation as a member of a victim impact panel must submit information to the sponsor concerning the events that caused the harms suffered by the victim. The measure also establishes various procedures for the receipt and disbursement of money generated from fees for attending meetings of panels, administrative fines and civil penalties.

The provisions of this bill only apply to a county with a population of 100,000 or more. Additionally, the measure provides a misdemeanor penalty for falsifying information related to receiving victim compensation. This bill is effective on October 1, 2013.

Roll call on Senate Bill No. 312:

YEAS—13.

NAYS—Brower, Goicoechea, Gustavson, Hammond, Hardy, Kieckhefer, Roberson, Settelmeyer—8.

Senate Bill No. 312 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 314.

Bill read third time.

Remarks by Senator Denis.

Thank you, Mr. President. Senate Bill No. 314 provides that the right of a parent to direct the upbringing, education and care of the parent's child is a fundamental right. Under this measure, in implementing a statute, local ordinance or regulation, the State or any agency, instrumentality or political subdivision is prohibited from violating this right without demonstrating a compelling governmental interest that as applied to the child involved is of the highest order. The effective date is October 1, 2013.

Roll call on Senate Bill No. 314:

YEAS—21.

NAYS—None.

Senate Bill No. 314 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 317.

Bill read third time.

Remarks by Senator Denis.

Thank you, Mr. President. Senate Bill No. 317 clarifies that it is an unfair act or practice for a manufacturer or distributor of vehicles and certain related entities to require a dealer to agree to any terms or conditions of a franchise agreement that waive certain provisions of Nevada law governing franchises for sales of motor vehicles. The bill further provides that any waiver of such provisions is void and unenforceable. This bill is effective on July 1, 2013.

Roll call on Senate Bill No. 317:

YEAS—21.

NAYS—none.

Senate Bill No. 317 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 318.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Senate Bill No. 318 requires the Nevada Commissioner of Insurance to conduct a study of claims, coverage and payments under dental and health insurance policies. The Commissioner is required to present the study results to the Legislative Committee on Health Care on or before June 1, 2014.

Roll call on Senate Bill No. 318:

YEAS—21.

NAYS—None.

Senate Bill No. 318 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 321.

Bill read third time.

Remarks by Senators Jones and Hutchison.

SENATOR JONES:

Thank you, Mr. President. Nevada's Homeowner's Bill of Rights, Senate Bill No. 321, increases predictability for all parties involved in the foreclosure process. It provides strong but fair accountability measures by extending protections to all residential mortgages written in Nevada. Under Nevada's Homeowner's Bill of Rights, borrowers must be sent a pre-foreclosure notice with information about their loan and options to avoid foreclosure. Mortgage servicers are barred from starting foreclosures without first contacting the homeowner via phone and mail to evaluate the homeowner for other loan modification options first. Mortgage servicers shall have a single point of contact for borrowers seeking information about their loans and throughout the modification period. Mortgage servicers must give borrowers, who submit a loan modification application, a "yes" or "no" decision with an explanation before the servicer commences the foreclosure process. Mortgage servicers are barred from dual tracking, the practice of sending a file to the foreclosure department while the homeowners are still being considered for a loan modification. Mortgage servicers are barred from charging fees for loan modification application process or during a trial plan for lost mitigation options.

I am proud to have worked with my colleague from Senate District No. 6 to resolve concerns and to have the support of both Democrats and Republicans on the Senate Committee on Judiciary that passed this measure unanimously out of that Committee. I urge your support.

SENATOR HUTCHISON:

Thank you, Mr. President. I rise in support of Senate Bill No. 321. My friend and colleague from Senate District No. 9 worked with me. He provided a bipartisan view of this bill, and he was helpful in terms of addressing some of my concerns and some of my colleagues' concerns, and I want to thank him. I think this is an important bill that will help many of our constituents. I urge your support.

Roll call on Senate Bill No. 321:

YEAS—21.

NAYS—None.

Senate Bill No. 321 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 325.

Bill read third time.

Remarks by Senator Spearman.

Thank you, Mr. President. Senate Bill No. 325 requires an explanation of a ballot question to include a digest, consisting of a summary of existing laws directly related to the question and a statement of the impact of the proposal of those laws. The digest must also indicate the effect of the ballot question on public revenues. A question placed on a ballot by a governing body of a political subdivision must be written in easily understood language and include a digest. The measure requires governing bodies of all cities or counties to appoint committees to draft arguments in support of or in opposition to ballot questions, including advisory questions. Obsolete provisions requiring certain governing bodies to provide arguments for and against ballot questions are eliminated. The bill is effective on July 1, 2013.

Mr. President, the National Conference of State Legislatures did a study and found that information for the public is written at the grade 8 level, which is the average reading level of most Americans. In Nevada, grades 19 to 27 levels are required to understand our ballot questions. The true intent of this bill is to require us to say what we mean.

Roll call on Senate Bill No. 325:

YEAS—21.

NAYS—None.

Senate Bill No. 325 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Denis moved that the Senate recess until 4:30 p.m.

Motion carried.

Senate in recess at 4:01 p.m.

SENATE IN SESSION

At 5:20 p.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that Senate Bills Nos. 329, 343, 350, 359, 373, 381, 409, 410, 414, 420, 421, 422, 424, 425, 428, 429, 441, 448, 449, 450, 453, 456, 478, 493, 496, 503, be taken from the General File and placed on the General File for the third agenda for this legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education, to which were referred Senate Bills Nos. 311, 320, 384, 392, 427, 447, 467, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which were referred Senate Bills Nos. 182, 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

JOYCE WOODHOUSE, *Chair*

Mr. President:

Your Committee on Finance, to which was referred Senate Bill No. 510, 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 Bills Nos. 26, 105, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of Senate Bill No. 221.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bill No. 221 be taken from the General File and re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Senator Kieckhefer moved that all necessary rules be suspended, and that Senate Bill No. 510, just reported out of Committee, be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 26.

Bill read second time and ordered to third reading.

Senate Bill No. 105.

Bill read second time and ordered to third reading.

Senate Bill No. 182.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 289.

The Title of Senate Bill No. 182 is hereby amended as follows:

"AN ACT relating to education; revising provisions governing the count of pupils for the purpose of calculating basic support; requiring the board of trustees of each school district to establish, equip and maintain a full-day kindergarten in each elementary school or school attendance area in the district; revising provisions governing the age at which a child is required to be enrolled in and attend school; requiring a child who is 5 years of age on or before September 30 of a school year to be admitted to kindergarten at the beginning of that school year ~~and~~ unless a waiver is filed with the school district; and providing other matters properly relating thereto."

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law generally requires the board of trustees of each school district to establish, equip and maintain a kindergarten in each elementary school or school attendance area in the district. (NRS 388.060) ~~[With certain exceptions, existing law also requires each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years to send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school. Existing law further provides that a child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year. (NRS 392.040)]~~

Section 7 of this bill requires the board of trustees of each school district to establish, equip and maintain a full-day kindergarten in each elementary school or school attendance area in the district which provides at least as many minutes of instruction per day as the other grade levels for which the elementary school or school attendance area enrolls pupils. Section 3 of this

bill imposes a similar requirement upon any charter school that enrolls pupils in kindergarten.

With certain exceptions, existing law requires each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years to send the child to a public school during all the time the public school is in session in the school district in which the child resides. Existing law further authorizes a child who is 5 years of age on or before September 30 of a school year to be admitted to kindergarten at the beginning of that school year, but allows the parent or other guardian of a child who is 5 or 6 years of age on or before September 30 of a school year to elect for the child not to attend kindergarten or first grade during that school year by filing a waiver with the school district. Under existing law, before enrolling in school, a child whose attendance has been waived is required to undergo a developmental screening test to determine the grade for which the child is prepared developmentally. (NRS 392.040) Section 8 of this bill lowers, from 7 years of age to 5 years of age, the age at which a child must be enrolled in and attend public school ~~for~~ ~~Section 8 also~~ and requires a child who is 5 years of age on or before September 30 of a school year to be admitted to kindergarten at the beginning of that school year ~~for~~, unless the parent or other guardian of the child elects for the child not to attend kindergarten by filing a waiver with the school district. If such a waiver is filed, the child is required to undergo the developmental screening test required under existing law to determine if the child is prepared developmentally for first grade.

Existing law provides the formula by which the basic support of each school district is computed by including a certain weighting factor for pupils enrolled in kindergarten. (NRS 387.1233) Section 4 of this bill revises the formula to reflect the enrollment of pupils in full-day kindergarten.

The remaining sections of this bill revise applicable provisions relating to kindergarten and the age at which a child must attend school to reflect the new requirements.

Section 8 of Senate Bill No. 182 is hereby amended as follows:

Sec. 8. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of ~~{7}~~ 5 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. ~~{A}~~ *Except as otherwise provided in subsection 3, a* child who is 5 years of age on or before September 30 of a school year ~~{may}~~ *must* be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

3. ~~{Except as otherwise provided in subsection 4, a child who is 6 years of age on or before September 30 of a school year must:~~

~~(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or~~

~~(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year;~~

~~→ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.~~

4.] The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is {6} 5 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten {for the first grade} during that school year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

~~{5.—Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.~~

6.] 4. A child who is {7} 6 years of age on or before September 30 of a school year must {:

~~(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.~~

~~(b) If the child has completed kindergarten, be admitted to the first grade.~~

(c) If], if the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection {4,] 3, undergo {an assessment} a developmental screening test administered by the district

pursuant to subsection ~~{7}~~ 5 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

~~{↗ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.~~

~~7.} 5. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:~~

(a) Who is ~~{7}~~ 6 years of age on or before September 30 of ~~{the next}~~ that school year; and

(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection ~~{4.} 3.~~

↗ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

~~{8.} 6. Except as otherwise provided in subsection ~~{9.} ~~{4.} 7.~~~~ a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.~~

~~{9.} ~~{4.} 7. Pursuant to the provisions of NRS 392C.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to ~~{~~~~~~

~~(a) The ~~the~~ grade ~~{ other than kindergarten.}~~ the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.~~

~~{(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.}~~

~~{10.} 8. As used in this section, "kindergarten" includes:~~

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Thank you, Mr. President. Amendment No. 289 to Senate Bill No. 182 provides parents of a child reaching five years of age by September 30 of a school year with the option to elect not to send their child to kindergarten by filing a waiver with the school district. The amendment also

restores certain provisions already in law concerning the assessment of the developmental ability of a child who receives such a waiver. The school district will conduct the developmental screening test before deciding whether to admit a child reaching age six by September 30 into first grade; if the child is not admitted to first grade he or she will be admitted into kindergarten.

Amendment adopted.

Senator Kieckhefer moved that Senate Bill No. 182 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Senate Bill No. 311.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 448.

"SUMMARY—Revises provisions governing empowerment schools.
(BDR 34-637)"

"AN ACT relating to education; authorizing the parents and legal guardians of pupils enrolled in an underperforming public school, under certain circumstances, to submit a petition for the conversion of the school to an empowerment school ~~and~~ or the conversion of an empowerment school to a charter school; establishing the requirements for such a petition and the procedure for acting upon it; authorizing parents and legal guardians to file a petition reversing such a conversion; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the creation and operation of charter schools and establishes the Program of Empowerment Schools for public schools in this State. Generally, ~~an~~ charter schools and empowerment ~~school operates~~ schools operate with more flexibility and autonomy than other public schools. (NRS ~~386.490-386.610~~, 386.720, 386.740)

This bill provides for the conversion of certain underperforming public schools ~~other than charter schools~~ to operate as empowerment schools ~~and~~ and for the conversion of certain underperforming empowerment schools to operate as charter schools. Section 2 of this bill requires the board of trustees of each school district annually to identify the schools in the district that are eligible for conversion from among those which have been rated as underperforming by the Department of Education. After these schools have been identified, section 2 requires the board of trustees to post a list of the schools on the school district's Internet website.

Section 2.5 of this bill provides that the parents and legal guardians of the pupils enrolled in an underperforming school may submit a petition to the board of trustees of the school district for the creation of a school advisory team for the school. Section 4 of this bill establishes the procedure for determining the sufficiency of the petition and acting upon it. If the petition is found to contain the requisite number of signatures and is otherwise

sufficient, section 2.5 requires the board of trustees to create a school advisory team for the school, which must meet at least six times during the ensuing 12 months, after which it must submit a report to the board of trustees.

Section 3 of this bill provides that 55 percent or more of the parents and legal guardians of the pupils enrolled in an underperforming school for which a school advisory board was created may submit a petition to the board of trustees of the school district for the conversion of the school to an empowerment school. ~~Section 4 of this bill establishes the procedure for determining the~~ The sufficiency of the petition [and acting upon it.] must be determined in the same manner as a petition to create a school advisory team. If the petition is found to contain the requisite number of signatures and is otherwise sufficient, section 4 requires the board of trustees to begin the statutory process of converting the school to an empowerment school, effective at the beginning of the next succeeding school year.

Under existing law, participation in the Program of Empowerment Schools is discretionary for boards of trustees of school districts in counties whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) and, accordingly, such a district may elect not to participate in the Program. (NRS 386.720) However, if a petition for conversion is submitted pursuant to section 3 and determined to be sufficient pursuant to section 4, section 5 of this bill provides that the provisions of statute which otherwise apply only to school districts participating in the Program become applicable to the school district if the petition is submitted and found to be sufficient, regardless of whether the district otherwise participates in the Program.

If an underperforming public school is converted to an empowerment school through the petition process, section 6 of this bill provides that the parents and legal guardians of pupils enrolled in the school may thereafter petition to reverse the conversion. Any such petition is subject to the same requirements as a petition for conversion and is processed in the same manner.

If an underperforming public school that is converted to an empowerment school through the petition process is subsequently identified as underperforming for 3 consecutive years, section 6.5 of this bill provides that the parents and guardians of pupils enrolled in the school may petition for the conversion of the school to a charter school. With certain exceptions, any such petition is subject to the same requirements as a petition for conversion to an empowerment school and is processed in the same manner. Section 6.5 also provides requirements for the operation of a school that converts to a charter school pursuant to the provisions of this bill.

Section 6.7 of this bill provides that the parents and legal guardians of certain pupils enrolled in the school which is converted to a charter school may thereafter petition to reverse the conversion. Any such petition is subject to the same requirements as a petition for conversion to an empowerment

school and is processed in the same manner. If the petition is sufficient, the school reverts to a public school that is not an empowerment school or a charter school.

Section 6.7 also requires that, if a school that converts to a charter school pursuant to the provisions of this bill and is subsequently identified as underperforming for 3 consecutive years, the board of trustees must revoke the charter and the school reverts to a public school that is not an empowerment school or a charter school.

Sections 7-22 of this bill make conforming changes to existing provisions.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~6,~~ 6.7, inclusive, of this act.

Sec. 2. 1. *On or before September 15 of each year, the board of trustees of each school district shall identify each public school in the school district ~~for other than a charter school,~~ which is rated as underperforming by the Department pursuant to the statewide system of accountability for public schools. Unless the board of trustees determines on or before that date that any such public school should be excluded or is required by law to be excluded from eligibility for conversion, any public school which is not so excluded is an underperforming public school and may become the subject of a petition for :*

(a) The creation of a school advisory team submitted pursuant to section 2.5 of this act; and

(b) Subsequent conversion to an empowerment school submitted pursuant to section 3 of this act.

2. *On or before October 1 of each year, the board of trustees of each school district shall cause a list of the underperforming public schools in the school district to be posted conspicuously on the Internet website of the school district, with a statement that ~~the schools~~ :*

(a) Each school on the list ~~are~~ that is not an empowerment school or a charter school is eligible for :

(1) The creation of a school advisory team by the submission of a petition to the board of trustees pursuant to section 2.5 of this act; and

(2) Subject to the provisions of subsection 1 of section 3 of this act, conversion to an empowerment ~~schools~~ school by the submission of a petition to the board of trustees pursuant to section 3 of this act ~~to~~ ; and

(b) Each school on the list which is an empowerment school and which has been on the list for 3 consecutive years is eligible for conversion to a charter school by the submission of a petition to the board of trustees pursuant to section 6.5 of this act.

3. *The statement required by subsection 2 must also set forth the deadline established by section 2.5, 3 or 6.5 of this act for the submission of ~~such~~ a petition ~~to~~*

~~3.7~~ *pursuant to section 2.5, 3 or 6.5, respectively, of this act.*

4. For each underperforming public school in the school district, the board of trustees shall include with the statement required by subsection 2 a statement of the minimum number of valid signatures required pursuant to section 2.5, 3 or 6.5 of this act for a petition for the creation of a school advisory team or the conversion of the school ~~to~~, respectively.

Sec. 2.5. 1. The parents or legal guardians of pupils enrolled in an underperforming public school may submit a written petition to the board of trustees of the school district for the creation of a school advisory team for the underperforming public school.

2. A petition submitted pursuant to this section must be:

(a) Made on a form prescribed by regulation of the State Board;

(b) Signed by not less than 10 percent of the parents and legal guardians of pupils enrolled at the school, as stated for that school year in the posting required by section 2 of this act; and

(c) Submitted to the board of trustees on or before November 1, unless November 1 is a Saturday, Sunday or legal holiday, in which case the petition must be submitted on or before the last day before November 1 that is not a Saturday, Sunday or legal holiday.

3. The petition must comply with and is subject to the provisions of section 3.5 of this act and subsections 1, 2 and 3 of section 4 of this act.

4. If the board of trustees determines that the petition is sufficient pursuant to section 4 of this act, the board of trustees shall adopt a resolution on or before December 1 creating a school advisory team consisting of:

(a) One administrator of the public school;

(b) Five parents or legal guardians of pupils enrolled in the public school;

(c) Two teachers employed at the public school; and

(d) One person employed at the public school who is not a teacher or administrator.

5. A school advisory team created pursuant to this section shall meet at least six times during the 12-month period following its creation and shall:

(a) Review data relating to the academic and other achievement of pupils enrolled in the public school;

(b) Review support programs in place at the public school;

(c) Review the level of parental involvement in the activities of the public school and the effect of that level of parental involvement on the academic achievement of pupils;

(d) Develop recommendations concerning ways to make the school more inviting to parents and legal guardians and to increase parental involvement; and

(e) Develop recommendations concerning new strategies to increase the academic achievement of pupils.

6. On or before December 1 of the year immediately following the year during which the school advisory team is created, the school advisory team shall submit to the board of trustees a report describing its findings and

recommendations pursuant to subsection 5 and any relevant changes that have occurred at the public school. The board of trustees shall cause each report submitted pursuant to this subsection to be posted conspicuously on the Internet website of the school district.

Sec. 3. 1. ~~¶The~~ If a school advisory team for an underperforming public school is created pursuant to section 2.5 of this act, the parents or legal guardians of pupils enrolled in an underperforming public school may submit a written petition to the board of trustees of the school district for the conversion of the school to an empowerment school.

2. A petition submitted pursuant to this section must be:

(a) Made on a form prescribed by regulation of the State Board;
 (b) Signed by not less than 55 percent of the parents and legal guardians of pupils enrolled in the school, as stated for that school year in the posting required by section 2 of this act; and

(c) Submitted to the board of trustees on or before December 1 ~~¶~~ of the year immediately following the year during which the school advisory team is created, unless December 1 is a Saturday, Sunday or legal holiday, in which case the petition must be submitted on or before the last day before December 1 that is not a Saturday, Sunday or legal holiday.

Sec. 3.5. ~~¶3. The~~

1. A petition submitted pursuant to section 2.5 or 3 of this act must include:

(a) A conspicuous designation of one petitioner as the representative of the petitioners, to whom the determination and summary required by section 4 of this act may be mailed; and

(b) For each petitioner:

(1) His or her printed name and address;
 (2) The printed name of each child of the petitioner who is enrolled as a pupil in the school; and
 (3) The signature of the petitioner and the date the signature is affixed to the petition.

~~¶¶~~ 2. Each parent or legal guardian of a pupil enrolled in the school may sign the petition. Each such signature must be counted in computing the number of signatures on the petition. No person may sign the petition on behalf of another person.

Sec. 4. 1. Upon receipt of a petition submitted pursuant to section 2.5 or 3 of this act, the board of trustees of the school district shall:

(a) Notify the Superintendent of Public Instruction and the State Board in writing of the receipt of the petition;

(b) Not later than 15 calendar days after receiving the petition, verify the signatures or cause the signatures to be verified in accordance with procedures prescribed by regulation of the State Board; and

(c) Prepare or cause to be prepared a written summary of the results of the verification, stating the number of signatures on the petition that have been verified as valid.

2. The board of trustees shall make a written determination concerning the sufficiency of the petition and cause a copy of the determination, with the written summary of the results of the verification required by subsection 1, to be mailed to the petitioner designated ~~in the petition pursuant to subsection 3 of section 3 of this act~~ as the representative of the petitioners. A petition that contains the required number of verified signatures and otherwise complies with the requirements of section 2.5 or 3 of this act as applicable, must be determined to be sufficient and must be approved as provided in subsection 4.

3. If the board of trustees determines that the petition is not sufficient, the petition shall be deemed withdrawn unless the petitioners, not later than 20 calendar days after the date of the determination, collect the required number of valid signatures or otherwise correct any deficiencies in the petition and resubmit the petition to the board of trustees. The board of trustees shall review the resubmitted petition and give notice of its determination as required by subsections 1 and 2, except that the determination must be made and notice must be given within 10 calendar days after the resubmitted petition is received. If, after receipt of the resubmitted petition, the board of trustees determines that the petition is still not sufficient and gives notice of its determination, no further action may be taken with respect to the petition. The board of trustees shall also notify the Superintendent of Public Instruction and the State Board in writing of the disposition of the petition.

4. If the board of trustees determines that the petition is sufficient, the board of trustees shall:

(a) Adopt a resolution approving the petition at a public hearing held not later than 15 calendar days after the date of the determination, and in any case on or before February 1;

(b) Notwithstanding the provisions of NRS 386.720 and notwithstanding whether the school district otherwise participates in the Program of Empowerment Schools, immediately begin the process of converting the underperforming public school to an empowerment school in accordance with the provisions of NRS 386.700 to 386.780, inclusive, and sections 2 to ~~6.7~~ 6.7, inclusive, of this act so that the school may begin to operate as an empowerment school at the beginning of the next succeeding school year; and

(c) Notify the Superintendent of Public Instruction and the State Board in writing of the actions taken by the board of trustees.

Sec. 5. Any provision of NRS 386.700 to 386.780, inclusive, and sections 2 to ~~6.7~~ 6.7, inclusive, of this act which is otherwise applicable only if a school district participates in the Program of Empowerment Schools is applicable to the school district, its board of trustees and employees with respect to any underperforming public school in the school district if a petition for conversion of the school is submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 of this act.

Sec. 6. 1. *The parents or legal guardians of pupils enrolled in a public school which is converted to an empowerment school pursuant to a petition submitted pursuant to section 3 of this act may thereafter submit a written petition to the board of trustees of the school district to reverse the conversion. Any such petition must comply with and is subject to all the provisions of sections 3 and 4 of this act applicable to a petition for conversion.*

2. *If the petition is determined to be sufficient pursuant to section 4 of this act, the board of trustees shall adopt a resolution revoking the empowerment plan previously approved for the public school pursuant to NRS 386.745, effective at the beginning of the next succeeding school year.*

Sec. 6.5. 1. *If a public school that converts to an empowerment school is rated as underperforming by the Department pursuant to the statewide system of accountability for public schools in 3 consecutive years after completing 1 school year as an empowerment school, the parents or legal guardians of the pupils enrolled in the empowerment school may submit a written petition to the board of trustees of the school district for the conversion of the school to a charter school. Any such petition must comply with and is subject to the provisions of sections 3, 3.5 and 4 of this act applicable to a petition for conversion to an empowerment school, except that:*

(a) The petition must be submitted to the board of trustees on or before December 1 of the third year during which the school is rated as underperforming after completing 1 school year as an empowerment school, unless December 1 is a Saturday, Sunday or legal holiday, in which case the petition must be submitted on or before the last day before December 1 that is not a Saturday, Sunday or legal holiday; and

(b) The board of trustees shall immediately begin the process of converting the underperforming empowerment school to a charter school so that the school may begin to operate as a charter school at the beginning of the next succeeding school year.

2. *A school that converts to a charter school must be sponsored by the board of trustees of the school district pursuant to the provisions of this section and NRS 386.490 to 386.610, inclusive.*

3. *The written charter for a school that converts to a charter school must include all conditions of operation set forth in subsection 4 of NRS 386.520 and provide that the charter school will be the same type of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, as the school that converts to the charter school.*

4. *Subject to the provision of NRS 386.549, the initial membership of the governing body of the charter school must be appointed pursuant to regulations adopted by the State Board.*

5. *A pupil who lives in the attendance zone established pursuant to NRS 388.040 for the school before its conversion to a charter school may be*

suspended or expelled from or otherwise disciplined by the charter school only pursuant to the provisions of NRS 392.461 to 392.4675, inclusive.

Sec. 6.7. 1. The parents or legal guardians of pupils enrolled in an empowerment school which is converted to a charter school pursuant to a petition submitted pursuant to section 6.5 of this act may thereafter submit a written petition to the board of trustees of the school district to reverse the conversion. Any such petition must comply with and is subject to the provisions of subsection 2 and the provisions of sections 3, 3.5 and 4 of this act applicable to a petition for conversion to an empowerment school.

2. Only the parents or legal guardians of pupils who live in the attendance zone established pursuant to NRS 388.040 for the school before its conversion to a charter school pursuant to section 6.5 of this act may sign the petition.

3. If the petition submitted pursuant to subsection 1 is determined to be sufficient pursuant to section 4 of this act, the board of trustees shall adopt a resolution revoking the charter of the school, effective at the beginning of the next succeeding school year.

4. If an empowerment school that is converted to a charter school pursuant to a petition submitted pursuant to section 6.5 of this act is rated as underperforming by the Department pursuant to the statewide system of accountability for public schools in 3 consecutive years after beginning to operate as a charter school, the board of trustees shall adopt a resolution revoking the charter of the school, effective at the beginning of the next succeeding school year.

5. A charter school that has its charter revoked pursuant to subsection 3 must begin operating as a public school that is not an empowerment school or a charter school at the beginning of the next succeeding school year. The conversion of a school from a charter school to a public school that is not a charter school or an empowerment school must be done pursuant to regulations adopted by the State Board and to the same type of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, as the charter school.

6. Nothing in the provisions of sections 2 to 6.7, inclusive, of this act shall be construed to prohibit the revocation, pursuant to the provisions of NRS 386.490 to 386.610, inclusive, of the charter of a school that converts to a charter school pursuant to the provisions of sections 2 to 6.7, inclusive, of this act. If the charter of such a charter school is revoked pursuant to the provisions of NRS 386.490 to 386.610, inclusive, the school must be converted pursuant to regulations adopted by the State Board:

(a) To a public school that is not an empowerment school or charter school; and

(b) To the same type of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, as the charter school.

Sec. 7. NRS 386.505 is hereby amended to read as follows:

386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. ~~1. The~~ Except as otherwise provided in sections 2 to 6.7, inclusive, of this act, the conversion of an existing public school, homeschool or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude:

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.490 to 386.610, inclusive.

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection ~~15~~ 6 of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 8. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district. ~~1. An~~ Except as otherwise provided in sections 2 to 6.7, inclusive, of this act, an application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may sponsor charter schools.

4. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing written charters pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.490 to 386.610, inclusive, and in accordance with the terms and conditions of the applicable written charter, the performance and compliance of each charter school sponsored by the entity; and

(f) ~~[Determining]~~ Subject to the provisions of sections 2 to 6.7, inclusive, of this act, determining whether each written charter of a charter school that the entity sponsors merits renewal or whether the renewal of the written charter should be denied or the written charter should be revoked in accordance with NRS 386.530 or 386.535, as applicable.

5. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve ~~for~~ or sponsor pursuant to the provisions of sections 2 to 6.7, inclusive, of this act;

(b) The procedure for evaluating charter school applications in accordance with NRS 386.525;

(c) A description of how the sponsor will maintain oversight of the charter schools it sponsors; and

(d) A description of the process of evaluation for charter schools it sponsors in accordance with NRS 386.610.

6. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

Sec. 9. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State Public Charter School Authority, the board of trustees of a school district or a college or university within the Nevada System of Higher Education approves an application to form a charter school, it shall grant a written charter to the applicant.

2. A board of trustees of a school district required to sponsor a charter school pursuant to subsection 2 of section 6.5 of this act shall grant a written charter to the school not later than a date determined by the State Board which provides sufficient time for the school to prepare to begin operating as a charter school as provided in subsection 4 of section 4 of this act.

3. The State Public Charter School Authority, the board of trustees, the college or the university, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

~~{2}~~ 4. If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

~~{3}~~ 5. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

~~{4}~~ 6. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) A process for a charter school that requests a change in the sponsorship of the charter school, which must not require the charter school to undergo all the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

~~{5}~~ 7. Except as otherwise provided in subsection ~~{7}~~ 9, and except for a written charter that is revoked pursuant to a resolution adopted pursuant to subsection 3 or 4 of section 6.7 of this act, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in subsection 4 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Public Charter School Authority or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

~~{6}~~ 8. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational

services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school. If the proposed amendment complies with the provisions of NRS 386.490 to 386.610, inclusive, and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.

~~7.7~~ 9. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

- (a) Period for which such a written charter is valid; and
- (b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

➔ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

~~8.7~~ 10. The holder of a written charter that is issued pursuant to subsection ~~7.7~~ 9 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection ~~7.7~~ 9 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

- (a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

- (b) Charter school,

➔ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 10. NRS 386.530 is hereby amended to read as follows:

386.530 1. Except as otherwise provided in subsection 2, an application for renewal of a written charter may be submitted to the sponsor of the charter school not less than 120 days before the expiration of the charter. The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review

and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in NRS 386.535. The sponsor shall provide written notice of its determination not fewer than 30 days before the expiration of the charter. If the sponsor intends not to renew the charter, the written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and

(b) Prescribe a period of not less than 30 days during which the charter school may correct any such deficiencies.

➡ If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall renew the charter of the charter school.

2. A charter school may submit an application for renewal of its initial charter after 3 years of operation of the charter school. The application must include the information prescribed by the regulations of the Department. The sponsor shall conduct an intensive review and evaluation of the charter school in accordance with the regulations of the Department. The sponsor shall renew the charter unless it finds the existence of any ground for revocation set forth in NRS 386.535. The sponsor shall provide written notice of its determination. If the sponsor intends not to renew the charter, the written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and

(b) Prescribe a period of not less than 30 days during which the charter school may correct any such deficiencies.

➡ If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall renew the charter of the charter school.

3. Nothing in this section shall be construed to authorize or require a sponsor to renew a charter that has been revoked pursuant to a resolution adopted pursuant to subsection 3 or 4 of section 6.7 of this act.

Sec. 11. NRS 386.536 is hereby amended to read as follows:

386.536 1. Except as otherwise provided in subsections 2 and 3, if a charter school ceases to operate voluntarily or upon revocation of its written charter, the governing body of the charter school shall appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure. The administrator shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

2. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 1, the governing body of the charter school shall appoint a qualified person to assume those duties.

3. If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection 2, the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection 1.

4. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

5. The provisions of this section do not apply to a charter school that has its charter revoked pursuant to a resolution adopted pursuant to subsection 3 or 4 of section 6.7 of this act.

Sec. 12. NRS 386.580 is hereby amended to read as follows:

386.580 1. An application for enrollment in a charter school may be submitted to the governing body of the charter school by the parent or legal guardian of any child who resides in this State. Except as otherwise provided in this subsection and subsection 2, a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district. Except as otherwise provided in subsection 2, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

2. Before a charter school enrolls pupils who are eligible for enrollment, a charter school that is dedicated to providing educational programs and opportunities to pupils who are at risk may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school;

(b) Was enrolled, on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school;

(c) Is a child of a person employed in a full-time position by the charter school;

(d) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category; or

(e) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

➤ If more pupils described in this subsection who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

3. Except as otherwise provided in subsection 5, an empowerment school that is converted to a charter school pursuant to section 6.5 of this act:

(a) Shall enroll all pupils who live in the attendance zone established pursuant to NRS 388.040 for the school before it converted to a charter school; and

(b) May enroll pupils who do not live in the attendance zone described in paragraph (a) only if spaces are available for such pupils after the enrollment of all pupils who live in the attendance zone.

4. ~~§ 9.~~ Except as otherwise provided in subsection ~~§ 9.~~ 9, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

- (a) Race;
- (b) Gender;
- (c) Religion;
- (d) Ethnicity; or
- (e) Disability,

➤ of a pupil.

~~§ 5.~~ 5. If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.

~~§ 6.~~ 6. Except as otherwise provided in this subsection, 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, 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 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 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 392.705.

➡ If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to this subsection, 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.

~~6.7~~ 7. 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 ~~5.7~~ 6 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.

~~7.7~~ 8. The governing body of a charter school may, before authorizing a homeschooled child to participate in a class or extracurricular activity pursuant to subsection ~~5.7~~ 6, 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.

~~8.7~~ 9. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

- (a) With disabilities;
- (b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or
- (c) Who are at risk.

➡ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 13. NRS 386.585 is hereby amended to read as follows:

386.585 Except as otherwise provided in subsection 5 of section 6.5 of this act:

1. A governing body of a charter school shall adopt:
 - (a) Written rules of behavior required of and prohibited for pupils attending the charter school; and
 - (b) Appropriate punishments for violations of the rules.
2. Except as otherwise provided in subsection 3, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.
3. A pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, which must be conducted as soon as practicable after removal, for suspension or expulsion of the pupil.
4. A pupil who is enrolled in a charter school and participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented or who receives early intervening services, may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters, be:
 - (a) Suspended from the charter school pursuant to this section for not more than 10 days.
 - (b) Suspended from the charter school for more than 10 days or permanently expelled from school pursuant to this section only after the governing body 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.
5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:
 - (a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.
 - (b) Available for public inspection at the charter school.
6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 14. NRS 386.588 is hereby amended to read as follows:

386.588 1. Each applicant for employment with a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the governing body of the charter school a complete set of the applicant's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

2. If the reports on the criminal history of an applicant indicate that the applicant has not been convicted of a felony or an offense involving moral turpitude, the governing body of the charter school may employ the applicant.

3. If a report on the criminal history of an applicant indicates that the applicant has been convicted of a felony or an offense involving moral turpitude and the governing body of the charter school does not disqualify the applicant from further consideration of employment on the basis of that report, the governing body shall, upon the written authorization of the applicant, forward a copy of the report to the Superintendent of Public Instruction. If the applicant refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the charter school shall not employ the applicant.

4. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the report to determine whether the conviction of the applicant is related or unrelated to the position with the charter school for which the applicant has applied. If the applicant desires employment with the charter school, the applicant shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant and to the governing body of the charter school.

5. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant is related to the position with the charter school for which the applicant has applied, the governing body of the charter school shall not employ the applicant. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant is unrelated to the position

with the charter school for which the applicant has applied, the governing body of the charter school may employ the applicant for that position.

6. The provisions of this section do not apply to a person employed at an empowerment school that is converted to a charter school pursuant to section 6.5 of this act if the person is employed at the school before the adoption of the resolution approving the petition for the conversion of the school to a charter school.

~~{Sec. 7.}~~ Sec. 15. NRS 386.700 is hereby amended to read as follows:

386.700 As used in NRS 386.700 to 386.780, inclusive, *and sections 2 to 6.7, inclusive, of this act*, unless the context otherwise requires ~~{, "empowerment"}~~:

1. "Empowerment school" means a public school operating under an empowerment plan developed pursuant to NRS 386.740 and approved pursuant to NRS 386.745 or 386.750, as applicable.

2. "Underperforming public school" means a public school which has been rated as underperforming by the Department pursuant to the statewide system of accountability for public schools. The term does not include ~~+~~

~~(a) A charter school; or~~

~~(b) Any other~~ any public school which is excluded from eligibility for conversion pursuant to section 2 of this act.

~~{Sec. 8.}~~ Sec. 16. NRS 386.720 is hereby amended to read as follows:

386.720 1. There is hereby established a Program of Empowerment Schools for public schools within this State. The Program does not include a university school for profoundly gifted pupils.

2. ~~{The}~~ Except as otherwise required pursuant to a petition submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 of this act, the board of trustees of a school district which is located:

(a) In a county whose population is less than 100,000 may approve public schools located within the school district to operate as empowerment schools.

(b) In a county whose population is 100,000 or more shall approve not less than 5 percent of the schools located within the school district to operate as empowerment schools.

3. The board of trustees of a school district which participates in the Program of Empowerment Schools shall, on or before September 1 of each year, provide notice to the Department of the number of schools within the school district that are approved to operate as empowerment schools for that school year.

4. The board of trustees of a school district that participates in the Program of Empowerment Schools may create a design team for the school district. If such a design team is created, the membership of the design team must consist of the following persons appointed by the board of trustees:

(a) At least one representative of the board of trustees;

(b) The superintendent of the school district, or the superintendent's designee;

(c) Parents and legal guardians of pupils enrolled in public schools in the school district;

(d) Teachers and other educational personnel employed by the school district, including, without limitation, school administrators;

(e) Representatives of organizations that represent teachers and other educational personnel;

(f) Representatives of the community in which the school district is located and representatives of businesses within the community; and

(g) Such other members as the board of trustees determines are necessary.

5. If a design team is created for a school district, the design team shall:

(a) Recommend policies and procedures relating to empowerment schools to the board of trustees of the school district; and

(b) Advise the board of trustees on issues relating to empowerment schools.

6. The board of trustees of a school district may accept gifts, grants and donations from any source for the support of the empowerment schools within the school district.

~~[Sec. 9.]~~ Sec. 17. NRS 386.725 is hereby amended to read as follows:

386.725 1. The board of trustees of a school district that participates in the Program of Empowerment Schools may establish policies and procedures for public schools within the school district that wish to *or are required to* convert to empowerment schools, which may provide for:

(a) The process by which a public school may convert *or be converted* to an empowerment school, including, without limitation, the development of an empowerment plan for the school in accordance with NRS 386.740;

(b) Autonomy for the principal of each empowerment school to decide issues relating to the operation of the school, including, without limitation, the school schedule, governance, incentives for employees, staffing, budgeting and the provision of instruction;

(c) The opportunity for empowerment schools within the school district to offer an alternative schedule, including, without limitation, a longer school day or a longer school year, or both, and to offer school during the summer; and

(d) Other matters as deemed necessary by the board of trustees.

2. The board of trustees of a school district that participates in the Program of Empowerment Schools shall adopt policies and procedures which provide for:

(a) Accountability measures designed to ensure that pupils enrolled in an empowerment school are achieving certain goals and standards relating to academic achievement;

(b) The process for the selection of empowerment schools and the approval of empowerment plans for those schools;

(c) The process for renewal of empowerment plans;

(d) The criteria for revocation of an empowerment plan for a school and the procedure for revocation; and

(e) The time period for which empowerment plans will be approved.

3. *Any policies and procedures adopted by the board of trustees of a school district pursuant to subsection 1 or 2 must not be inconsistent with NRS 386.700 to 386.780, inclusive, and sections 2 to ~~6.7~~ 6.7, inclusive, of this act.*

4. A school district that participates in the Program of Empowerment Schools shall provide a process for a pupil who resides in the school district to attend:

(a) An empowerment school regardless of the school which the pupil is otherwise zoned to attend.

(b) A school that is not an empowerment school if the pupil is zoned to attend a school that converts to an empowerment school.

➤ The board of trustees of a school district must comply with the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., when establishing provisions relating to school choice pursuant to this subsection.

~~{4.}~~ 5. An empowerment school shall:

(a) Enroll first the pupils who are zoned to attend that school.

(b) After the enrollment of pupils pursuant to paragraph (a), if the school has space available, enroll pupils who are not otherwise zoned to attend the school on the basis of a lottery system.

~~{5.}~~ 6. A school district is not required to provide transportation to a pupil who attends a public school which the pupil is not otherwise zoned to attend.

~~{6.}~~ 7. A school district that participates in the Program of Empowerment Schools shall provide a procedure for an empowerment school to obtain a waiver from the requirements and regulations of the board of trustees of the school district. The board of trustees may not waive:

(a) The requirements of a state or federal law or regulation.

(b) A policy or requirement relating to safety, including, without limitation, hiring security personnel and following procedures designed to ensure the safety of the school, the personnel employed at the school and the pupils.

~~{Sec. 10.}~~ Sec. 18. NRS 386.730 is hereby amended to read as follows:

386.730 1. Except as otherwise provided in subsection 2, the principal of a public school within a school district that participates in the Program of Empowerment Schools who wishes to convert to an empowerment school , *or who is the principal of an underperforming public school with respect to which a petition is submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 of this act*, shall:

(a) Establish an empowerment team for the school; and

(b) Develop an empowerment plan for the school in consultation with:

(1) The empowerment team; and

(2) The school support team, if a school support team has been established for the school in accordance with the regulations of the State Board adopted pursuant to NRS 385.361.

2. The principal of a public school located in a county whose population is less than 100,000 may develop an empowerment plan for the school without establishing or consulting with an empowerment team. If a school support team has been established for the school, the principal shall develop the empowerment plan in consultation with the school support team. If an empowerment team has not been established pursuant to the exception provided in this subsection, the principal of the school shall carry out the responsibilities and duties otherwise assigned to an empowerment team pursuant to NRS 386.700 to 386.780, inclusive ~~[]~~, and ~~sections 2 to 6.7,~~ sections 2 to 6.7, inclusive, of this act.

3. An empowerment team for a school must consist of the following persons:

(a) The principal of the school;

(b) At least two but not more than four teachers and other licensed educational personnel who are employed at the school, selected by a recognized employee organization that represents licensed educational personnel within the school district;

(c) At least two but not more than four employees, other than teachers and other licensed educational personnel, who are employed at the school, selected by an organization that represents those employees;

(d) At least two but not more than four parents and legal guardians of pupils enrolled in the school, selected by an association of parents established for the school;

(e) At least two but not more than four representatives of the community or businesses within the community;

(f) The facilitator of the school support team, if a school support team has been established for the school pursuant to regulations adopted by the State Board pursuant to NRS 385.361; and

(g) Such other persons as may be necessary to meet the requirements set forth in subsection 4.

➤ *For an underperforming public school with respect to which a petition is submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 of this act, the parents and legal guardians selected pursuant to paragraph (d) must have signed the petition.*

4. Of the total number of members on an empowerment team for a school:

(a) At least one member must have 5 years or more of experience in school finance;

(b) At least one member must have 5 years or more of experience in school administration or human resources;

(c) At least one member must have 5 years or more of experience in overseeing the academic programs and curriculum for a public school; and

(d) At least one member must have 5 years or more of experience in the collection and analysis of data.

↪ The provisions of this subsection do not require the appointment of four persons if one, two or three such persons satisfy the qualifications.

5. A charter school that wishes to participate in the Program of Empowerment Schools shall comply with the provisions of NRS 386.700 to 386.780, inclusive ~~[]~~, and sections 2 to ~~6.7~~ 6.7, inclusive, of this act. If a charter school is approved as an empowerment school, the charter school does not forfeit its status as a charter school.

~~[Sec. 11.]~~ Sec. 19. NRS 386.745 is hereby amended to read as follows:

386.745 1. Except as otherwise provided in subsection 10, the empowerment team of a public school, other than 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, that develops an empowerment plan pursuant to NRS 386.740 shall submit the proposed empowerment plan to the designee of the board of trustees appointed pursuant to this subsection for review and approval pursuant to this section. The board of trustees shall designate a person to review each proposed empowerment plan and recommend the approval or denial of the plan to the board of trustees.

2. The board of trustees shall approve or deny the empowerment plan. The approval or denial of an empowerment plan must be based solely upon the contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the school pursuant to subsection 4 of NRS 386.740.

3. Except as otherwise provided in subsection 10, if the board of trustees approves an empowerment plan, the president of the board of trustees, the principal of the public school and the chair of the empowerment team, if the principal is not the chair, shall each sign the plan. The empowerment plan is effective for 3 years unless ~~[the]~~ :

(a) The empowerment team determines that the school will no longer operate under the plan ~~[or the]~~ ;

(b) The board of trustees of the school district revokes the plan ~~[]~~ ; or

(c) A petition for reversal of a conversion is filed with respect to the school pursuant to section 6 of this act and determined to be sufficient pursuant to section 4 of this act.

4. Except as otherwise provided in subsection 10, if the board of trustees denies an empowerment plan, the board of trustees shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. ~~[An]~~ Except for an empowerment plan relating to a school with respect to which a petition is submitted pursuant to section 3 of this act and

determined to be sufficient pursuant to section 4 of this act, an empowerment plan may be resubmitted not more than once in a school year.

5. Except as otherwise provided in subsection 10, an empowerment plan for a public school is not effective and a public school shall not operate as an empowerment school unless the plan is signed by the president of the board of trustees of the school district, the principal of the public school and the chair of the empowerment team, if the principal is not the chair. If an empowerment plan includes a request for a waiver from a statute contained in this title or a regulation of the State Board or the Department, a public school may operate under the approved plan but the requested waivers from state law are not effective unless approved by the State Board pursuant to subsection 7.

6. Except as otherwise provided in subsection 10, the empowerment team may submit a written request to the board of trustees for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If the empowerment plan includes a request for a waiver from a statute or regulation, the board of trustees shall forward the approved empowerment plan to the State Board for review of the request for a waiver. The State Board shall review the empowerment plan and may approve or deny the request for a waiver from a statute or regulation unless the statute or regulation is required by federal law or is required to carry out federal law.

8. If the State Board approves the request for a waiver for a school, the Department shall provide written notice of the approval to the board of trustees of the school district that submitted the empowerment plan on behalf of the school.

9. If the State Board denies a request for a waiver, the State Board shall:

(a) Return the request to the school district with a written statement indicating the reason for the denial; and

(b) Except as otherwise provided in subsection 10, provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. ~~{A}~~ *Except for a request for a waiver relating to a school with respect to which a petition is submitted pursuant to section 3 of this act and determined to be sufficient pursuant to section 4 of this act, a request for a waiver may be resubmitted by the school district, after the empowerment team corrects any deficiencies, not more than once in a school year.*

10. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 386.730, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

~~{Sec. 12.}~~ Sec. 20. NRS 386.780 is hereby amended to read as follows:

386.780 The State Board ~~{may}~~ :

1. *Shall adopt regulations governing the form of a petition filed pursuant to section 2.5, 3, ~~4~~ 6 or 6.5 of this act and the verification of the signatures on such a petition.*

2. *May adopt any other regulations to carry out the provisions of NRS 386.700 to 386.780, inclusive ~~[]~~, and sections 2 to ~~6~~ 6.7, inclusive, of this act.*

Sec. 21. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection ~~5~~ 6 of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

- (a) The maintenance of an acceptable standard of instruction;
- (b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and
- (c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➡ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 22. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, 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) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) 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 on the last day of the first school month of the school district for the school year, 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 (2).

(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 on the last day of the first school month of the school district for the school year, 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 (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

(7) 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 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560, subsection ~~5~~ 6 of NRS 386.580 or subsection 3 of NRS 392.070, 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 (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. 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 on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years 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.

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 on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding 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.

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 2 or 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. 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.

6. 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.

7. 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. 13.}~~ Sec. 23. The provisions of this act do not apply during the current term of:

1. Any contract negotiated pursuant to chapter 288 of NRS which is effective before July 1, 2013, to the extent of any conflict between the contract and the provisions of this act, but do apply to any extension or renewal of such a contract or to any contract entered into on or after July 1, 2013.

2. Any written contract or notice of reemployment accepted and signed pursuant to NRS 391.120 before July 1, 2013, to the extent of any conflict between the contract or notice of reemployment and the provisions of this act, but do apply to any extension or renewal of such a contract or notice of reemployment or to any contract or notice entered into on or after July 1, 2013.

~~[Sec. 14.]~~ *Sec. 24.* This act becomes effective:

1. 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

2. On July 1, 2013, for all other purposes.

Senator Ford moved the adoption of the amendment.

Remarks by Senator Ford.

Thank you, Mr. President. Amendment No. 448 makes several changes to Senate Bill No. 311. First, the amendment authorizes school conversions to a charter school, should the converted empowerment school specified in the bill as a whole continue to be rated as underperforming. The same requirements and processes for a petition to convert to an empowerment school apply to a charter school conversion.

Second, it provides that parents and legal guardians may also then petition to reverse the conversion to a charter school. If the charter school conversion is reversed due to a parent petition, it becomes a traditional public school the following school year.

Third, the amendment also provides for the revocation of the charter of a conversion charter school by its sponsor, if it continues to be rated as underperforming for three consecutive years following its conversion.

Fourth, the amendment requires school districts with one or more underperforming schools to adopt a policy establishing a school advisory team, upon a petition of 10 percent of the parents and guardians of pupils attending an underperforming school. This change provides an intermediary step prior to a petition to convert a school. The composition of the advisory team and its duties are specified in the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 292.

"SUMMARY—Revises provisions governing medical care in schools. (BDR 34-831)"

"AN ACT relating to education; providing that a pupil with diabetes ~~shall~~ must not be prohibited from attending enrolling in a public school; requiring ~~the State Board of Education~~ school nurses or, in certain circumstances, local health officers or the designees of local health officers, to prescribe ~~a~~ training ~~program~~ programs for employees of public and private schools who volunteer to serve as ~~diabetes care aides;~~ unlicensed assistive personnel; authorizing public and private schools to provide assistance to pupils with diabetes in the care and management of the disease under certain circumstances; authorizing the parent or legal guardian of a pupil with diabetes to request such assistance; prescribing the duties of ~~a diabetes care aide;~~ unlicensed assistive personnel; providing for the authorization of a pupil with diabetes to self-administer medication and otherwise care for and manage the diabetes under certain circumstances; providing immunity from civil liability for school nurses, ~~diabetes care aides;~~ unlicensed assistive personnel and other school personnel, the board of trustees of a school district, ~~and~~ the governing body of a private school

, local health officers and the designees of local health officers under certain circumstances; providing an exemption for ~~{diabetes care aides}~~ unlicensed assistive personnel from state licensing requirements for practicing nursing in this State; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 8 of this bill provides that the board of trustees of a school district or a principal of a public school shall not: (1) prohibit any pupil with diabetes from ~~{attending}~~ enrolling in any public school in which the pupil would otherwise be able to ~~{attend}~~ enroll if the pupil did not have diabetes; or (2) require the parent or guardian of a pupil to provide any service or assistance to the pupil to care for or manage the diabetes while the pupil is on the grounds of a public school, participating in certain activities or on a school bus.

Section 9 of this bill requires ~~{the State Board of Education, in consultation with the State Board of Health, the American Diabetes Association and other similar organizations,}~~ each school nurse or, if a public school does not have a school nurse, the local health officer or the local health officer's designee, to prescribe a training program for employees of public schools who volunteer to serve as ~~{diabetes care aides,}~~ unlicensed assistive personnel. The training program must include certain instruction and be provided by a school nurse ~~{or other health care professional who has knowledge and experience in the care, management and treatment of diabetes,}~~ , the local health officer or the local health officer's designee, as applicable.

Section 10 of this bill establishes a procedure pursuant to which the parent or legal guardian of a pupil with diabetes in a public school may request that the public school provide assistance with the care and management of the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus. Section 10 authorizes the ~~{principal of each public school}~~ school nurse or the principal, as applicable, to provide a written notice to all employees of the public school seeking volunteers to serve as ~~{diabetes care aides,}~~ unlicensed assistive personnel. The notice must provide that serving as ~~{a diabetes care aide,}~~ unlicensed assistive personnel is voluntary and that ~~{an employee}~~ employees who ~~{chooses}~~ choose not to volunteer will not be subject to any retaliatory or disciplinary action, and must include a description of the training program prescribed pursuant to section 9 that ~~{the employee}~~ employees must complete to become ~~{a diabetes care aide. Section 11 of this bill establishes a procedure pursuant to which the parent or legal guardian of a pupil with diabetes in such a public school may request that the school provide such assistance, and sets forth the steps that the principal of the school may take upon receiving such a request,}~~ unlicensed assistive personnel. Section 11.5 of this bill provides for the development of an individualized health plan for a pupil with diabetes by the school nurse or the local health officer or his or her designee, as applicable, upon the approval of a request submitted pursuant to section 10. Section 12 of this bill describes

the written authorization that the parent or legal guardian must submit to the school nurse or the principal of the school, as applicable, upon receiving approval of such a request, and section 13 of this bill sets forth the duties of the school nurse or principal, as applicable, upon receiving such an authorization.

Section 14 of this bill sets forth the specific acts that ~~the diabetes care aide is authorized to~~ unlicensed assistive personnel may perform in assisting a pupil with diabetes, ~~in accordance with the diabetes management plan of the pupil developed by the physician of the pupil.~~

Section 15 of this bill provides a procedure pursuant to which a pupil with diabetes may be authorized to self-administer medication for the treatment of the diabetes and otherwise care for and manage the diabetes while on the grounds of a public school, at an activity sponsored by a public school or on a school bus.

Section 16 of this bill requires the State Board of Education, in cooperation with the State Board of Nursing, to adopt necessary regulations to carry out the provisions of sections 3-17 of this bill.

Section 17 provides that a school nurse, ~~diabetes care aide,~~ unlicensed assistive personnel, other school personnel, ~~and~~ the board of trustees of a school district, local health officers and the designees of local health officers are not subject to civil liability, and a school nurse, ~~diabetes care aide,~~ unlicensed assistive personnel and other school personnel and local health officers and designees of local health officers are not subject to any disciplinary action, for certain acts performed by any person in carrying out any duty or authorized activity set forth in this bill.

~~Section 24 of this bill provides that the training program for an employee of a public school who volunteers to serve as a diabetes care aide which is prescribed by the State Board of Education pursuant to section 9 applies to private schools.~~ Sections ~~19-23 and 25-32~~ 19-32 of this bill set forth provisions similar to sections 3-17 which apply to private schools.

Existing law requires a person who practices or offers to practice nursing in this State to be licensed by the State Board of Nursing. (NRS 632.315) Existing law also provides certain exemptions from that requirement. (NRS 632.340) Section 33 of this bill revises those exemptions to include ~~the diabetes care aide~~ unlicensed assistive personnel who ~~provides~~ provide assistance to a pupil with diabetes in the care and management of the diabetes in accordance with the provisions of sections 3-17 or 19-32.

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

Section 1. NRS 391.208 is hereby amended to read as follows:

391.208 A school nurse shall, for each school at which he or she is responsible for providing nursing services:

1. Ensure that each pupil enrolled in the school has been immunized in accordance with, is exempt from or has otherwise complied with, the requirements set forth in NRS 392.435 to 392.446, inclusive.

2. Assess and evaluate the general health and physical development of the pupils enrolled in the school to identify those pupils who have physical or mental conditions that impede their ability to learn.

3. Report the results of an evaluation conducted pursuant to subsection 2 to:

- (a) A parent or guardian of the pupil;
- (b) Each administrator and teacher directly involved with the education of the pupil; and
- (c) Other professional personnel within the school district who need the information to assist the pupil with the pupil's health or education.

4. Design and carry out a plan of nursing care for a pupil with special needs which incorporates any individualized health plan and any plan specified by the pupil's physician or provider of health care, as defined in NRS 629.031, ~~including, without limitation, the diabetes management plan of the pupil, and~~ which is approved by the pupil's parent or guardian. ~~[The]~~ *Except as otherwise provided in sections 3 to ~~16,~~ 17, inclusive, of this act, the nursing services provided pursuant to a plan of nursing care must be performed in compliance with chapter 632 of NRS. As used in this subsection, ~~"diabetes management"~~ "individualized health plan" has the meaning ascribed to it in section 5 of this act.*

5. When appropriate, refer a pupil and the pupil's parent or guardian to other sources in the community to obtain services necessary for the health of the pupil.

6. Interpret medical and nursing information that relates to a pupil's individual educational plan or individualized accommodation plan and make recommendations to:

- (a) Professional personnel directly involved with that pupil; and
- (b) The parents or guardian of that pupil.

Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 17, inclusive, of this act.

Sec. 3. *As used in sections 3 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~4~~ 5 to ~~7~~ 7.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. ~~["Diabetes care aide" means an employee of a public school who has received training pursuant to section 9 of this act to provide assistance to a pupil with diabetes.] (Deleted by amendment.)~~

Sec. 5. ~~["Diabetes management"] "Individualized health plan" means the plan developed ~~by the physician of~~ pursuant to section 11.5 of this act for a pupil with diabetes, ~~which sets forth the services the pupil requires to care for and manage the diabetes and which is signed by the physician and the parent or legal guardian of the pupil.~~~~

Sec. 6. *"Medication" means any medicine prescribed by a ~~physician~~ provider of health care for the treatment of diabetes, including, without limitation, insulin and glucagon.*

Sec. 7. ~~["Physician"]~~ "Provider of health care" means a person who is licensed to practice medicine pursuant to chapter 630 of NRS or osteopathic medicine pursuant to chapter 633 of NRS, authorized by law to prescribe medication for the treatment of diabetes.

Sec. 7.5. "Unlicensed assistive personnel" means the employees of a public school who have received training pursuant to section 9 of this act to provide assistance to a pupil with diabetes.

Sec. 8. 1. The board of trustees of a school district or a principal of a public school shall not:

(a) Prohibit any pupil with diabetes from ~~attending~~ enrolling in any public school in which the pupil would otherwise be able to ~~attend~~ enroll if the pupil did not have diabetes.

(b) Require the parent or legal guardian of a pupil with diabetes to provide any service or assistance to the pupil to care for or manage the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus.

2. The provisions of this section apply regardless of whether a public school has a school nurse or ~~a diabetes care aide,~~ unlicensed assistive personnel.

Sec. 9. 1. ~~The State Board of Education, in consultation with the State Board of Health, the American Diabetes Association and any similar organizations the State Board of Education determines appropriate,~~ Each school nurse shall prescribe a training program for ~~an employee~~ employees of a public school who volunteer to become ~~a diabetes care aide,~~ unlicensed assistive personnel for pupils. If a public school does not have a school nurse, the local health officer or the local health officer's designee shall prescribe the training program.

2. The training program must provide instruction by the school nurse, the local health officer or the local health officer's designee, as applicable, in accordance with nationally recognized standards and best practices for diabetes care, in:

- (a) Recognizing the symptoms of hypoglycemia and hyperglycemia;
- (b) The appropriate treatment for a pupil who exhibits the symptoms of hypoglycemia or hyperglycemia;
- (c) Recognizing situations that require emergency medical assistance to be provided to a pupil; and

(d) The following, based on the individualized health plan of the pupil:

(1) Understanding the appropriate treatment for ~~a~~ the pupil ~~whose~~ if the pupil's blood glucose level is not within the target range identified in the ~~diabetes management~~ individualized health plan ~~of the pupil~~.

~~(d)~~ (2) Understanding instructions set forth in the ~~diabetes management~~ individualized health plan ~~of a pupil~~ concerning necessary medications;

~~(e)~~ (3) Performing blood glucose and ketone tests and recording the results of those tests;

~~[(f)]~~ (4) Administering insulin, glucagon or other medication ~~in accordance with a diabetes management plan~~ and recording the results of the administration; and

~~[(g)]~~ Understanding how to use an insulin pump;

~~[(h)]~~ Recognizing situations that require emergency medical assistance to be provided to a pupil; and

~~[(i)]~~ (5) Understanding the relationship between the recommended diet of ~~the~~ the pupil set forth in the ~~diabetes management~~ individualized health plan ~~of the pupil and the effect of physical activity upon blood glucose levels,~~ and actions which may be taken if the recommended diet is not followed.

~~3. A school nurse or other health care professional who has knowledge and experience in the care, management and treatment of diabetes shall provide instruction in the training program.~~

~~4. The training program must be provided whenever a diabetes care aide is authorized by the principal to provide assistance to a pupil with diabetes care and management at the school.~~

Sec. 10. 1. ~~The principal of each public school.~~ A parent or legal guardian of a pupil with diabetes may submit to the school nurse of the public school in which the pupil is enrolled or, if the public school does not have a school nurse, to the principal of the public school a request that the public school assist the pupil with the care and management of the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus.

2. Upon receipt of a request submitted pursuant to subsection 1, the school nurse or, if the public school does not have a school nurse, the principal of the public school may provide written notice to ~~each employee~~ employees of the public school seeking volunteers to serve as ~~diabetes care aides~~ unlicensed assistive personnel at the public school. The written notice must include, without limitation:

(a) A description of the duties of ~~a diabetes care aide;~~ unlicensed assistive personnel;

(b) A statement that serving as ~~a diabetes care aide;~~ unlicensed assistive personnel is voluntary and that ~~an employee~~ employees who ~~chooses~~ choose not to volunteer will not be subject to any retaliatory or disciplinary action;

(c) A description of the training program prescribed pursuant to section 9 of this act that ~~an employee~~ employees must complete to become ~~a diabetes care aide;~~ unlicensed assistive personnel; and

(d) A statement that ~~an employee~~ employees who ~~serves~~ serve as ~~a diabetes care aide is;~~ unlicensed assistive personnel are entitled to the immunity set forth in section 17 of this act.

~~2. An employee~~

3. Employees who ~~volunteers~~ volunteer pursuant to subsection ~~1~~ 2 must participate in and complete the training program prescribed pursuant

to section 9 of this act to become ~~[a diabetes care aide.]~~ unlicensed assistive personnel.

4. If the public school has unlicensed assistive personnel, the school nurse or the principal, as applicable, may:

(a) Authorize the unlicensed assistive personnel to provide assistance to the pupil whose parent or legal guardian submitted the request; and

(b) Notify the parent or legal guardian of the pupil of the approval and the requirements of sections 11.5 and 12 of this act.

5. If the public school does not have unlicensed assistive personnel, the school nurse or the principal, as applicable, may notify the parent or legal guardian of the pupil that the request cannot be accommodated at that time.

~~Sec. 11. [1. The principal of a public school may authorize a school nurse or diabetes care aide to provide assistance to pupils with diabetes in the care and management of the disease if the parent or legal guardian of a pupil with diabetes requests that the public school in which the pupil is enrolled assist the pupil with the care and management of the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus.~~

~~2. Upon receiving such a request, the principal may determine whether the school has a school nurse or a diabetes care aide to accommodate the request.~~

~~3. If the principal determines that the school has a school nurse or diabetes care aide to accommodate the request, the principal may approve the request and notify the parent or legal guardian of the pupil of the approval and the requirements of section 12 of this act.~~

~~4. If the principal determines that the school does not have a school nurse or a diabetes care aide to accommodate the request, the principal may:~~

~~(a) Notify the parent or legal guardian of the pupil that the request cannot be accommodated at that time;~~

~~(b) Provide written notice to each employee of the public school pursuant to section 10 of this act seeking a volunteer to serve as a diabetes care aide at the school;~~

~~(c) To the extent practicable, expedite the training provided to any such volunteer pursuant to section 9 of this act; and~~

~~(d) Upon determining that the school has a school nurse or a diabetes care aide, approve the request and notify the parent or legal guardian of the pupil of the approval and the requirements of section 12 of this act.] (Deleted by amendment.)~~

Sec. 11.5. If a school nurse or principal of a public school approves a request pursuant to section 10 of this act, the school nurse or, if the public school does not have a school nurse, the local health officer or the local health officer's designee shall develop an individualized health plan for the pupil in coordination with the pupil's parent or legal guardian. The individualized health plan must be consistent with the diabetes treatment

prescribed by the pupil's provider of health care and set forth the services the pupil requires to care for and manage diabetes.

Sec. 12. The parent or legal guardian of a pupil with diabetes, upon receiving approval of a request pursuant to section ~~11~~ 10 of this act, shall submit to the ~~principal of the school~~

~~1. The diabetes management plan of the pupil; and~~

~~2. On~~ school nurse or, if the public school does not have a school nurse, the principal of the public school, on a form approved by the board of trustees of the school district and provided by the school, a signed statement of the parent or legal guardian authorizing:

~~f (a) Each~~

1. The school nurse and ~~diabetes care aide~~ unlicensed assistive personnel to provide assistance to the pupil to care for and manage the diabetes in accordance with the ~~diabetes management~~ individualized health plan of the pupil while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; and

~~((b))~~ 2. The ~~principal of the public~~ school nurse or, if the public school does not have a school nurse, the principal to provide notice that the pupil has diabetes to each employee of the school who has primary responsibility for supervising the pupil and each driver of a school bus who transports the pupil to and from the public school or an activity sponsored by a public school.

Sec. 13. The ~~principal of a school,~~ school nurse or, if the public school does not have a school nurse, the principal of the public school, upon receiving the authorization pursuant to section 12 of this act and the development of the ~~diabetes management~~ individualized health plan of a pupil with diabetes pursuant to section ~~12~~ 11.5 of this act, shall:

1. Notify each employee of the public school who has primary responsibility for supervising the pupil and each driver of a school bus who transports the pupil to and from the public school or to an activity sponsored by a public school that the pupil has diabetes.

2. Ensure that training is provided to each employee who has primary responsibility for supervising the pupil and each driver of a school bus in recognizing the symptoms of hypoglycemia and hyperglycemia and the proper treatment of a pupil who is hypoglycemic or hyperglycemic.

3. Ensure ~~that~~ the presence of the school nurse or ~~a diabetes care aide is available~~ unlicensed assistive personnel during regular school hours and during all school sponsored activities to assist the pupil with the care and management of the diabetes in accordance with the ~~diabetes management~~ individualized health plan of the pupil.

4. Ensure ~~that~~ the provisions by the school nurse or ~~a diabetes care aide provides~~ unlicensed assistive personnel of the services set forth in the ~~diabetes management~~ individualized health plan of the pupil to care for and manage the diabetes.

Sec. 14. ~~[A diabetes care aide,]~~ Unlicensed assistive personnel, in assisting a pupil with diabetes in accordance with the ~~[diabetes management]~~ individualized health plan of the pupil, may:

1. Test the blood glucose level of the pupil and record the result;
2. Test the ketone level of the pupil and record the result;
3. Treat a pupil whose blood glucose levels are not within the target range set forth in the ~~[diabetes management]~~ individualized health plan;
4. Administer insulin, glucagon or other medication to the pupil in accordance with the ~~[diabetes management]~~ individualized health plan;
5. Ensure that the pupil follows his or her recommended diet; and
6. Assist the pupil in performing any act described in this section.

Sec. 15. 1. The parent or legal guardian of a pupil with diabetes who is enrolled in a public school may submit a written request to the ~~[principal]~~ school nurse of the public school or, if the public school does not have a school nurse, the principal of the public school to allow the pupil to self-administer medication for the treatment of the diabetes and otherwise care for and manage the diabetes ~~in accordance with the diabetes management plan of the pupil]~~ while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus, which may include, without limitation:

- (a) Performing blood glucose tests;
- (b) Administering insulin, glucagon or other medication;
- (c) Treating hypoglycemia and hyperglycemia; and
- (d) Otherwise attending to the care and management of the diabetes.

2. A written request made pursuant to subsection 1 must include:

(a) A signed statement of ~~a physician]~~ the pupil's provider of health care indicating that the pupil has diabetes and is able to self-administer the medication and otherwise care for and manage the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus; and

(b) ~~[The diabetes management plan of the pupil; and~~

~~(c)]~~ A signed statement of the parent or legal guardian indicating that the parent or legal guardian grants permission for the pupil to self-administer the medication or otherwise care for and manage the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus.

3. Upon receipt of a written request submitted pursuant to subsection 1, the ~~[principal of the]~~ school nurse or the principal of the school, as applicable, shall provide written authorization for the pupil to carry and self-administer medication and otherwise care for and manage the diabetes while the pupil is on the grounds of a public school, participating in an activity sponsored by a public school or on a school bus. The written authorization must be maintained in the files of the public school and must include, without limitation:

- (a) ~~[The diabetes management plan of the pupil;~~

~~(b)~~ The name and purpose of the medication which the pupil is authorized to self-administer;

~~(c)~~ (b) The prescribed dosage and the duration of the prescription;

~~(d)~~ (c) The times at which and circumstances under which the medication is required or recommended to be self-administered;

~~(e)~~ (d) The side effects that may occur from the administration of the medication; and

~~(f)~~ (e) The name and telephone number of the ~~physician of the pupil~~ pupil's provider of health care and the name and telephone number of the person to contact in case of a medical emergency concerning the pupil.

4. The written authorization provided pursuant to subsection 3 is valid for 1 school year but may be revoked at any time at the discretion of the ~~principal~~ school nurse or the principal of the school, as applicable, upon notification of the parent or legal guardian of the pupil. If a parent or legal guardian submits a new written request that complies with subsection 2, the ~~principal of the public~~ school nurse or the principal of the school, as applicable, shall, except as otherwise provided in this subsection, renew and, if necessary, revise the written authorization.

5. The school nurse or, if the school does not have a school nurse, the principal of the school shall provide the pupil with a private area where the pupil may attend to the management and care of the diabetes upon application by the parent or legal guardian of the pupil.

6. As used in this section, "self-administer" means the auto-administration of a medication pursuant to the prescription for the medication or written directions for such a medication.

Sec. 16. The State Board, in cooperation with the State Board of Nursing, shall adopt such regulations as it determines necessary to carry out the provisions of sections 3 to 17, inclusive, of this act.

Sec. 17. School nurses, ~~diabetes care aides~~ unlicensed assistive personnel and other school personnel, ~~and~~ the board of trustees of a school district, local health officers and designees of local health officers are not subject to civil liability, and school nurses, ~~diabetes care aides~~ unlicensed assistive personnel and other school personnel and local health officers and designees of local health officers are not subject to any disciplinary action, for any act performed by any person in carrying out any duty or authorized activity set forth in sections 3 to 17, inclusive, of this act, or any regulation adopted pursuant thereto, if the act is performed in such a manner as an ordinarily prudent person would reasonably perform the act under similar circumstances.

Sec. 18. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 to 32, inclusive, of this act.

Sec. 19. As used in sections 19 to 32, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~20~~ 21 to ~~23~~ 23.5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 20. ~~["Diabetes care aide" means an employee of a private school who has received training pursuant to section 9 of this act to provide assistance to a pupil with diabetes.]~~ (Deleted by amendment.)

Sec. 21. ~~["Diabetes management"]~~ "Individualized health plan" means the plan developed ~~[by the physician of]~~ pursuant to section 26.5 of this act for a pupil with diabetes. ~~[which sets forth the services the pupil requires to care for and manage the diabetes and which is signed by the physician and the parent or legal guardian of the pupil.]~~

Sec. 22. "Medication" means any medicine prescribed by a ~~[physician]~~ provider of health care for the treatment of diabetes, including, without limitation, insulin and glucagon.

Sec. 23. ~~["Physician"]~~ "Provider of health care" means a person who is ~~[licensed to practice medicine pursuant to chapter 630 of NRS or osteopathic medicine pursuant to chapter 633 of NRS.]~~ authorized by law to prescribe medication for the treatment of diabetes.

Sec. 23.5. "Unlicensed assistive personnel" means the employees of a private school who have received training pursuant to section 24 of this act to provide assistance to a pupil with diabetes.

Sec. 24. ~~[The]~~ 1. Each school nurse shall prescribe a training program for ~~[an employee]~~ employees of a ~~[public]~~ private school who volunteer to become ~~[a diabetes care aide which is prescribed by the Board pursuant to section 9 of this act applies to private schools.]~~ unlicensed assistive personnel for pupils. If a private school does not have a school nurse, the local health officer or the local health officer's designee shall prescribe the training program.

2. The training program must provide instruction by the school nurse, the local health officer or the local health officer's designee, as applicable, in accordance with nationally recognized standards and best practices for diabetes care, in:

(a) Recognizing the symptoms of hypoglycemia and hyperglycemia;
(b) The appropriate treatment for a pupil who exhibits the symptoms of hypoglycemia or hyperglycemia;
(c) Recognizing situations that require emergency medical assistance to be provided to a pupil; and

(d) The following, based on the individualized health plan of the pupil:
(1) Understanding the appropriate treatment for the pupil if the pupil's blood glucose level is not within the target range identified in the individualized health plan;

(2) Understanding instructions set forth in the individualized health plan concerning necessary medications;

(3) Performing blood glucose and ketone tests and recording the results of those tests;

(4) Administering insulin, glucagon or other medication and recording the results of the administration; and

(5) Understanding the relationship between the recommended diet of the pupil set forth in the individualized health plan and actions which may be taken if the recommended diet is not followed.

Sec. 25. 1. ~~[The]~~ A parent or legal guardian of a pupil with diabetes may submit to the school nurse of the private school in which the pupil is enrolled or, if the private school does not have a school nurse, to the principal or other person in charge of the private school a request that the private school assist the pupil with the care and management of the diabetes while the pupil is on the grounds of the private school, participating in an activity sponsored by the private school or on a school bus.

2. Upon receipt of a request submitted pursuant to subsection 1, the school nurse or, if the private school does not have a school nurse, the principal or other person in charge of ~~the~~ the private school may provide written notice to ~~each employee~~ employees of the private school seeking volunteers to serve as ~~diabetes care aides~~ unlicensed assistive personnel at the private school. The written notice must include, without limitation:

(a) A description of the duties of ~~a diabetes care aide~~ unlicensed assistive personnel;

(b) A statement that serving as ~~a diabetes care aide~~ unlicensed assistive personnel is voluntary and that ~~an employee~~ employees who ~~chooses~~ choose not to volunteer will not be subject to any retaliatory or disciplinary action;

(c) A description of the training program prescribed pursuant to section ~~9~~ 24 of this act that ~~an employee~~ employees must complete to become ~~a diabetes care aide~~ unlicensed assistive personnel; and

(d) A statement that ~~an employee~~ employees who ~~serves~~ serve as ~~a diabetes care aide is~~ unlicensed assistive personnel are entitled to the immunity set forth in section 32 of this act.

~~2. An employee~~

3. Employees who ~~volunteers~~ volunteer pursuant to subsection ~~1~~ 2 must participate in and complete the training program prescribed pursuant to section ~~9~~ 24 of this act to become ~~a diabetes care aide~~ unlicensed assistive personnel.

4. If the private school has unlicensed assistive personnel, the school nurse, principal or other person in charge of the private school, as applicable, may:

(a) Authorize the unlicensed assistive personnel to provide assistance to the pupil whose parent or legal guardian submitted the request; and

(b) Notify the parent or legal guardian of the pupil of the approval and the requirements of sections 26.5 and 27 of this act.

5. If the private school does not have unlicensed assistive personnel, the school nurse, principal or other person in charge of the private school, as applicable, may notify the parent or legal guardian of the pupil that the request cannot be accommodated at that time.

Sec. 26. ~~[1. The parent or legal guardian of a pupil with diabetes who wishes to request that the private school in which the pupil is enrolled assist the pupil with the care and management of the diabetes while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus shall make the request by contacting the principal or other person in charge of the private school.~~

~~2. Upon receiving such a request, the principal or other person in charge of the private school may determine whether the school has a school nurse or a diabetes care aide to accommodate the request.~~

~~3. If the principal or other person in charge of the private school determines that the private school has a school nurse or a diabetes care aide to accommodate the request, the principal or other person in charge of the private school may approve the request and notify the parent or legal guardian of the pupil of the approval and the requirements of section 27 of this act.~~

~~4. If the principal or other person in charge of the private school determines that the private school does not have a school nurse or a diabetes care aide to accommodate the request, the principal or other person in charge of the private school may:~~

~~(a) Notify the parent or legal guardian of the pupil that the request cannot be accommodated at that time;~~

~~(b) Provide written notice to each employee of the private school pursuant to section 25 of this act seeking a volunteer to serve as a diabetes care aide at the school;~~

~~(c) To the extent practicable, expedite the training provided to any such volunteer pursuant to section 9 of this act; and~~

~~(d) Upon determining that the private school has a school nurse or a diabetes care aide to accommodate the request, approve the request and notify the parent or legal guardian of the pupil of the approval and the requirements of section 27 of this act.] (Deleted by amendment.)~~

Sec. 26.5. If a school nurse, a principal or other person in charge of a private school approves a request pursuant to section 25 of this act, the school nurse or, if the private school does not have a school nurse, the local health officer or the local health officer's designee shall develop an individualized health plan for the pupil in coordination with the pupil's parent or legal guardian. The individualized health plan must be consistent with the diabetes treatment prescribed by the pupil's provider of health care and set forth the services the pupil requires to care for and manage the diabetes.

Sec. 27. The parent or legal guardian of a pupil with diabetes, upon receiving approval of a request pursuant to section ~~f26~~ 25 of this act, shall submit to the school nurse or, if the private school does not have a school nurse, the principal or other person in charge of the private school ~~f1~~

~~1. The diabetes management plan of the pupil; and~~

~~2. On~~, on a form approved by the governing body of the private school and provided by the school, a signed statement of the parent or legal guardian authorizing:

~~f (a) Each~~

1. The school nurse and ~~diabetes care aide~~ unlicensed assistive personnel to provide assistance to the pupil to care for and manage the diabetes in accordance with the ~~diabetes management~~ individualized health plan of the pupil while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus; and

~~f(b)~~ 2. The school nurse or, if the private school does not have a school nurse, the principal or other person in charge of the private school to provide notice that the pupil has diabetes to each employee of the school with primary responsibility for supervising the pupil and each driver of a school bus who transports the pupil to and from the private school or an activity sponsored by a private school.

Sec. 28. The school nurse or, if the private school does not have a school nurse, the principal or other person in charge of the private school, upon receiving the authorization pursuant to section 27 of this act and the ~~diabetes management~~ development of the individualized health plan of a pupil with diabetes pursuant to section ~~27~~ 26.5 of this act, shall:

1. Notify each employee who has primary responsibility for supervising the pupil ~~of the private school~~ and each driver of a school bus who transports the pupil to and from the private school or to an activity sponsored by a private school that the pupil has diabetes.

2. Ensure that training is provided to each employee who has primary responsibility for supervising the pupil and each driver of a school bus in recognizing the symptoms of hypoglycemia and hyperglycemia and the proper treatment of a pupil who is hypoglycemic or hyperglycemic.

3. Ensure ~~that~~ the presence of the school nurse or ~~a diabetes care aide is available~~ unlicensed assistive personnel during regular school hours and during all school sponsored activities to assist the pupil with the care and management of the diabetes in accordance with the ~~diabetes management~~ individualized health plan of the pupil.

4. Ensure ~~that~~ the provision by the school nurse or ~~a diabetes care aide provides~~ unlicensed assistive personnel of the services set forth in the ~~diabetes management~~ individualized health plan of the pupil to care for and manage the diabetes.

Sec. 29. ~~fA diabetes care aide.~~ Unlicensed assistive personnel, in assisting a pupil with diabetes in accordance with the ~~diabetes management~~ individualized health plan of the pupil, may:

1. Test the blood glucose level of the pupil and record the result;
 2. Test the ketone level of the pupil and record the result;
 3. Treat a pupil whose blood glucose levels are not within the target range set forth in the ~~diabetes management~~ individualized health plan;

4. Administer insulin, glucagon or other medication to the pupil in accordance with the ~~{diabetes management}~~ individualized health plan;

5. Ensure that the pupil follows his or her recommended diet; and

6. Assist the pupil in performing any act described in this section.

Sec. 30. 1. The parent or legal guardian of a pupil with diabetes who is enrolled in a private school may submit a written request to the school nurse of the private school or, if the private school does not have a school nurse, the principal or other person in charge of the private school to allow the pupil to self-administer medication for the treatment of the diabetes and otherwise care for and manage the diabetes ~~{in accordance with the diabetes management plan of the pupil}~~ while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus, which may include, without limitation:

(a) Performing blood glucose tests;

(b) Administering insulin, glucagon or other medication;

(c) Treating hypoglycemia and hyperglycemia; and

(d) Otherwise attending to the care and management of the diabetes.

2. A written request made pursuant to subsection 1 must include:

(a) A signed statement of ~~{a physician}~~ the pupil's provider of health care indicating that the pupil has diabetes and is able to self-administer the medication and otherwise care for and manage the diabetes while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus; and

(b) ~~{The diabetes management plan of the pupil; and~~

~~{c)}~~ A signed statement of the parent or legal guardian indicating that the parent or legal guardian grants permission for the pupil to self-administer the medication or otherwise care for and manage the diabetes while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus.

3. Upon receipt of a written request submitted pursuant to subsection 1, the school nurse, principal or other person in charge of the private school, as applicable, shall provide written authorization for the pupil to carry and self-administer medication and otherwise care for and manage the diabetes while the pupil is on the grounds of a private school, participating in an activity sponsored by a private school or on a school bus. The written authorization must be maintained in the files of the private school and must include, without limitation:

(a) ~~{The diabetes management plan of the pupil;~~

~~{b)}~~ The name and purpose of the medication which the pupil is authorized to self-administer;

~~{c)}~~ (b) The prescribed dosage and the duration of the prescription;

~~{d)}~~ (c) The times at which and circumstances under which the medication is required or recommended to be self-administered;

~~{e)}~~ (d) The side effects that may occur from the administration of the medication; and

~~[(f)]~~ (e) The name and telephone number of the ~~[physician of the pupil]~~ pupil's provider of health care and the name and telephone number of the person to contact in case of a medical emergency concerning the pupil.

4. The written authorization provided pursuant to subsection 3 is valid for 1 school year but may be revoked at any time at the discretion of the school nurse, principal or other person in charge of the private school ~~[(f)]~~, as applicable, upon notification of the parent or legal guardian of the pupil. If a parent or legal guardian submits a new written request that complies with subsection 2, the school nurse, principal or other person in charge of the private school, as applicable, shall, except as otherwise provided in this subsection, renew and, if necessary, revise the written authorization.

5. The school nurse, principal or other person in charge of the private school, as applicable, shall provide the pupil with a private area where the pupil may attend to the management and care of the diabetes upon application by the parent or legal guardian of the pupil.

6. As used in this section, "self-administer" means the auto-administration of a medication pursuant to the prescription for the medication or written directions for such a medication.

Sec. 31. 1. The Board, in cooperation with the State Board of Nursing, shall adopt such regulations as it determines necessary to carry out the provisions of sections 19 to 32, inclusive, of this act.

2. The regulations must be substantially similar to the regulations adopted by the Board pursuant to section 16 of this act.

Sec. 32. School nurses, ~~[diabetes care aides]~~ unlicensed assistive personnel and other school personnel, ~~[and]~~ the governing body of a private school, local health officers and designees of local health officers are not subject to civil liability, and school nurses, ~~[diabetes care aides]~~ unlicensed assistive personnel and other school personnel and local health officers and designees of local health officers are not subject to any disciplinary action, for any act performed by any person in carrying out any duty or authorized activity set forth in sections 19 to 32, inclusive, of this act, or any regulation adopted pursuant thereto, if the act is performed in such a manner as an ordinarily prudent person would reasonably perform the act under similar circumstances.

Sec. 33. NRS 632.340 is hereby amended to read as follows:

632.340 The provisions of NRS 632.315 do not prohibit:

1. Gratuitous nursing by friends or by members of the family of a patient.

2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

3. Nursing assistance in the case of an emergency.

4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless the student

or graduate is certified to practice as a nursing assistant pursuant to the provisions of this chapter.

5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires the nurse or nursing assistant to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person does not represent or hold himself or herself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.

6. The practice of any legally qualified nurse of another state who is employed by the United States Government, or any bureau, division or agency thereof, while in the discharge of his or her official duties in this State, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.

8. A personal assistant from performing services for a person with a disability pursuant to NRS 629.091.

9. ~~4 diabetes care aide~~ *Unlicensed assistive personnel from assisting a pupil with diabetes in the care and management of the diabetes pursuant to the provisions of sections 3 to 17, inclusive, or sections 19 to 32, inclusive, of this act. As used in this subsection, ~~["diabetes care aide"]~~ "unlicensed assistive personnel" means ~~an employee~~ employees of a public school or a private school who ~~has~~ have received training pursuant to section 9 or 24 of this act to provide assistance to a pupil with diabetes.*

10. A natural person from providing supported living arrangement services if:

(a) That person has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive; or

(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.

↪ As used in this subsection, "supported living arrangement services" has the meaning ascribed to it in NRS 435.3315.

Sec. 34. On or before January 1, 2014, the State Board of Education, in cooperation with the State Board of Nursing, shall ~~be~~

~~1. Prescribe the program of training required pursuant to section 9 of this act; and~~

~~2. Adopt~~ adopt regulations pursuant to sections 16 and 31 of this act.

Sec. 35. This act becomes effective:

1. On July 1, 2013, for the purposes of ~~prescribing the program of training required pursuant to section 9 of this act and for~~ adopting regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2014, for all other purposes.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Thank you, Mr. President. Amendment No. 292 to Senate Bill No. 320 requires school nurses, not the Board of Education, to develop a training program for unlicensed assistive personnel, otherwise known as UAPs, in accordance with nationally-recognized best practice standards of diabetes care. It also defines UAPs and replaces the term “diabetes management plan” to “individualized health plan” for pupils. Second, as introduced, the bill provides that a pupil with diabetes cannot be barred from attending any public school.

The amendment also replaces the word “attending” with “enrolled in” to account for situations in which a student cannot attend school. Additionally, the amendment specifies that a parent or legal guardian must be notified about the revocation of a plan allowing a student to self-administer necessary medication, and revises the bill throughout to shift certain duties and authority for the diabetes care program specified in the bill from the school principal to the school nurse. Finally, changes are made throughout the bill that apply parallel provisions to sections of the bill concerning private schools with certain modifications for private schools without a school nurse. It requires the State Board of Education, in cooperation with the State Board of Nursing, to adopt regulations as needed to comply with the provisions of the bill.

Amendment adopted.

Senator Denis moved that Senate Bill No. 320 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Senate Bill No. 328.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 545.

"SUMMARY—Makes various changes relating to education. (BDR 34-937)"

"AN ACT relating to education; requiring the Executive Officer of the State Board for Career and Technical Education to employ certain persons; setting forth limitations on the use of ~~federal and~~ state money for leadership and training activities relating to programs of career and technical education; setting forth the methods by which the state money must be distributed to programs of career and technical education; making various other changes relating to programs of career and technical education; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes the State Board for Career and Technical Education to oversee programs of career and technical education in the public schools of this State. (NRS 388.330-388.370) Existing law also requires the board of trustees of each school district in a county whose

population is 100,000 or more (currently Clark and Washoe Counties), and authorizes the board of trustees of any other school district, to establish and maintain a program of career and technical education to provide instruction in subjects approved by the Board. (NRS 388.380) This bill specifies the manner in which certain federal and state money may be allocated and for what purposes the money may be used.

Section 3 of this bill: ~~(1) prohibits the Board from using federal money to provide leadership and training activities unless federal law requires such use; and (2)~~ provides that not more than 5 percent of any state money appropriated for use in a fiscal year may be used by the Board to provide leadership and training activities ~~+~~ ; and (2) provides that no state money appropriated for use in a fiscal year may be used by the Board to provide leadership and training activities relating to any program of career and technical education that receives federal funding. Section 3 also provides that state money must be distributed equally among programs of career and technical education in the following areas: (1) agriculture and natural resource sciences; (2) business and marketing; (3) family and consumer sciences; (4) health sciences; (5) information and media technology; and (6) trade and industrial sciences. Further, section 3 provides that if the Board distributes \$1,500,000 or less in a fiscal year, the money must be distributed through the grant process set forth in section 4 of this bill. Alternatively, if the Board distributes more than \$1,500,000 in a fiscal year: (1) \$1,500,000 must be distributed through the grant process set forth in section 4 of this bill; and (2) any amount distributed in excess of \$1,500,000 must be distributed through the grant process set forth in section 5 of this bill.

Section 6 of this bill provides that a school district or charter school may be awarded a grant pursuant to section 4 or 5 if the school district or charter school, as applicable, matches the amount of the grant to fund the program of career and technical education. Section 6 also authorizes the Executive Officer of the Board to waive that requirement if he or she determines that the school district or charter school is financially unable to provide the matching amount.

Section 7 of this bill provides that any state money that is not distributed pursuant to sections 3-5 does not revert to the State General Fund.

Section 2 of this bill requires the Executive Officer to appoint a person to oversee a program of career and technical education in each of the following areas: (1) agriculture and natural resource sciences; (2) business and marketing; (3) family and consumer sciences; (4) health sciences; (5) information and media technology; and (6) trade and industrial sciences.

Section 9 of this bill requires the persons appointed to oversee programs of career and technical education to evaluate the effectiveness of the programs and report that information to the Board.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. 1. *The Executive Officer of the State Board for Career and Technical Education shall appoint a person to oversee a program of career and technical education in each of the following areas:*

- (a) *Agriculture and natural resource sciences.*
- (b) *Business and marketing.*
- (c) *Family and consumer sciences.*
- (d) *Health sciences.*
- (e) *Information and media technology.*
- (f) *Trade and industrial sciences.*

2. *In addition to any other qualifications set forth by the State Board for Career and Technical Education, the person appointed pursuant to paragraph (a) of subsection 1 must have a minimum of 3 years of experience teaching secondary education in the area of agriculture.*

3. *The person appointed pursuant to paragraph (a) of subsection 1 shall:*

(a) *Provide leadership for programs of career and technical education in agriculture and natural resource sciences, which must include, without limitation:*

- (1) *Classroom instruction in the area of agriculture;*
- (2) *Work-based experiences for ~~students~~ pupils in the area of agriculture, including, without limitation, internships, apprenticeships and mentoring programs; and*
- (3) *Programs to develop leadership through membership in or coordination of activities with the National FFA Organization or any similar organization that promotes and supports education in the area of agriculture;*

(b) *Develop, organize and facilitate professional development activities and other training or in-service activities for persons who teach pursuant to this title in the area of agriculture; and*

(c) *Manage any grants of money from federal, state or other sources awarded to programs at secondary schools in the area of agriculture, except as otherwise provided by the terms of the grant or the statutory authority for the grant.*

Sec. 3. 1. ~~*The*~~ *Of state money appropriated for use in a fiscal year for programs of career and technical education, the State Board for Career and Technical Education shall not use ~~federal money to provide leadership and training activities unless federal law requires such use.~~*

~~2. *The State Board for Career and Technical Education shall not use* :~~

~~(a) *Except as otherwise provided in paragraph (b), more than 5 percent of any state money appropriated for use in a fiscal year* to provide leadership and training activities in that fiscal year.~~

~~(b) *Any amount to provide leadership and training activities relating to any program of career and technical education that receives federal funding.*~~

~~§3.1~~ 2. After allocating state money, if any, to provide leadership and training activities, the state money that the State Board for Career and Technical Education distributes for a fiscal year to programs of career and technical education must be divided equally among the following areas:

- (a) Agriculture and natural resource sciences.
- (b) Business and marketing.
- (c) Family and consumer sciences.
- (d) Health sciences.
- (e) Information and media technology.
- (f) Trade and industrial sciences.

~~§4.1~~ 3. If, after allocating state money, if any, to provide leadership and training activities, the State Board for Career and Technical Education determines that the Board will distribute \$1,500,000 or less to programs of career and technical education, the Board shall distribute the state money in the manner set forth in section 4 of this act.

~~§5.1~~ 4. If, after allocating state money, if any, to provide leadership and training activities, the State Board for Career and Technical Education determines that the Board will distribute more than \$1,500,000 for distribution to programs of career and technical education, the Board shall:

- (a) Distribute \$1,500,000 of the state money in the manner set forth in section 4 of this act; and
- (b) Distribute the remainder of state money in the manner set forth in section 5 of this act.

5. As used in this section, "leadership and training activities" means:

(a) Activities by or for pupil organizations for career and technical education;

(b) Training activities for teachers of classes or programs of career and technical education;

(c) Activities at or for a conference of teachers of classes or programs of career and technical education; and

(d) Promotion and marketing of classes or programs of career and technical education.

Sec. 4. 1. The board of trustees of a school district or the governing body of a charter school may apply for a grant for a program of career and technical education, to be paid for with money distributed pursuant to subsection ~~§4.1~~ 3 of section 3 of this act or paragraph (b) of subsection ~~§5.1~~ 4 of that section by submitting an application to the person appointed pursuant to section 2 of this act to oversee that program area.

2. Upon receipt of an application for a grant, the person shall forward the application to the industry sector council established pursuant to subsection 2 of NRS 232.935 which the person determines is most qualified to review the application.

3. An industry sector council shall review all applications forwarded to it pursuant to subsection 2 and award grants for the purposes of developing new programs of career and technical education or expanding existing

programs of career and technical education. The awarding of grants must be based on the following criteria of the program of career and technical education:

- (a) Standards and instruction.
- (b) Leadership development.
- (c) Practical application of occupational skills.
- (d) Quality and competence of personnel.
- (e) Facilities, equipment and materials.
- (f) Community, business and industry involvement.
- (g) Career guidance.
- (h) Program promotion.
- (i) Program accountability and planning.
- (j) ~~{Student teacher}~~ Pupil-teacher ratio.
- (k) Whether the program will lead to a national credential or certification.

Sec. 5. 1. If the State Board for Career and Technical Education distributes money pursuant to paragraph (b) of subsection ~~{5}~~ 4 of section 3 of this act, the board of trustees of a school district or the governing body of a charter school may apply for a grant for a program of career and technical education.

2. The State Board for Career and Technical Education shall review all applications submitted pursuant to subsection 1 and award grants based on the following criteria of the program of career and technical education:

- (a) Standards and instruction.
- (b) Leadership development.
- (c) Practical application of occupational skills.
- (d) Quality and competence of personnel.
- (e) Facilities, equipment and materials.
- (f) Community, business and industry involvement.
- (g) Career guidance.
- (h) Program promotion.
- (i) Program accountability and planning.
- (j) ~~{Student teacher}~~ Pupil-teacher ratio.
- (k) Whether the program will lead to a national credential or certification.

3. The proportion of the total amount awarded pursuant to subsection 2 to a school district or charter school during a fiscal year ~~{shall}~~ must not exceed the proportion of the duplicated enrollment of ~~{students}~~ pupils in programs of career and ~~{technology}~~ technical education in the school district or charter school during the previous fiscal year, as compared to the duplicated enrollments of ~~{students}~~ pupils in programs of career and ~~{technology}~~ technical education throughout the State during the previous fiscal year. For the purposes of determining the duplicated enrollment of ~~{students}~~ pupils in a program of career and ~~{technology}~~ technical education, each ~~{student}~~ pupil must be counted once for each program of career and technology education in which he or she is enrolled.

Sec. 6. 1. *Except as otherwise provided in subsection 2, a school district or charter school may be awarded a grant pursuant to section 4 or 5 of this act only if it matches the amount of the grant to fund the program of career and technical education.*

2. *A school district or charter school may be awarded a grant without providing a matching amount if the Executive Officer of the State Board for Career and Technical Education determines that the school district or charter school is financially unable to match the amount to be allocated by the grant.*

Sec. 7. *Any state money that is not distributed pursuant to section 3, 4 or 5 of this act by the end of the fiscal year does not revert to the State General Fund and must be carried forward for distribution in the following fiscal year.*

Sec. 8. *For each grant of money awarded pursuant to section 4 or 5 of this act, the State Board for Career and Technical Education shall designate a program professional to:*

1. *Evaluate the manner in which the money was expended and the effectiveness of the program for career and technical education for which the money was granted; and*

2. *Report the results of the review to the State Board for Career and Technical Education.*

Sec. 9. NRS 388.340 is hereby amended to read as follows:

388.340 1. The Superintendent of Public Instruction shall serve as Executive Officer of the State Board for Career and Technical Education.

2. The Executive Officer shall:

(a) ~~Employ~~ *Except as otherwise provided in section 2 of this act, employ personnel for such positions as are approved by the State Board for Career and Technical Education and necessary to carry out properly the provisions of this title relating to career and technical education.*

(b) *Carry into effect the regulations of the State Board for Career and Technical Education.*

(c) *Maintain an office for the Board.*

(d) *Keep all records of the Board in the office of the Board.*

Sec. 10. NRS 388.390 is hereby amended to read as follows:

388.390 *If the board of trustees of a school district or the governing body of a charter school organizes a program of career and technical education in accordance with the regulations adopted by the State Board for Career and Technical Education and the program has been approved by the Executive Officer of the Board, the school district or the charter school is entitled to share in federal and state money available for the promotion of career and technical education in the amount determined by the Executive Officer of the Board, in accordance with this section and sections 2 to 8, inclusive, of this act, and the regulations and policies of the Board.*

Sec. 11. NRS 388.400 is hereby amended to read as follows:

388.400 1. The money for career and technical education must be provided for and raised in the manner specified in NRS 387.050 and 388.330 to 388.400, inclusive ~~[]~~, *and sections 2 to 8, inclusive, of this act.*

2. The State Treasurer is the custodian of the money and shall make disbursements therefrom on warrants of the State Controller issued upon the order of the Executive Officer of the State Board for Career and Technical Education.

Sec. 12. This act becomes effective on July 1, 2013.

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Thank you, Mr. President. Amendment No. 545 makes several changes to Senate Bill No. 328. First, it revises that the State Board of Career and Technical Education may not use State funds for leadership activities or for career and technical education programs. Second, the amendment defines what constitutes "leadership activities." Third, it clarifies that grants awarded under the provisions of the bill will be based upon developing new programs. Finally, it revises the criteria for evaluating grant applications and adding a new category for programs that lead to a national accreditation or certification.

Amendment adopted.

Senator Settlemeyer moved that Senate Bill No. 328 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Senate Bill No. 384.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 451.

"SUMMARY—Revises provisions relating to charter schools. (BDR 34-687)"

"AN ACT relating to charter schools; ~~[renaming the State Public Charter School Authority the Nevada Public Charter School Authority,]~~ authorizing the ~~[Authority]~~ Director of the Department of Business and Industry to issue bonds, notes and other obligations to finance the acquisition, construction, improvement, restoration or rehabilitation of property, buildings and facilities for charter schools; establishing the procedure for the issuance of such obligations; providing for the payment of the obligations; revising provisions relating to the closure of a charter school and the payment of its debts; authorizing a charter school to incorporate as a nonprofit corporation, borrow money and encumber its assets; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Under existing law, the State Public Charter School Authority, consisting of seven members appointed by the Governor, the Majority Leader of the Senate, the Speaker of the Assembly and the Charter School Association of Nevada, exists primarily to sponsor certain charter schools and oversee their operations. (NRS 386.509, 386.5095, 386.515)]~~ This bill ~~[changes the name~~

~~of the State Public Charter School Authority to the Nevada Public Charter School Authority and~~ authorizes ~~it~~ the Director of the Department of Business and Industry to issue bonds and other obligations to finance the acquisition, construction, improvement, ~~[maintenance or furnishing]~~ restoration or rehabilitation of property, buildings and facilities for charter schools. Sections 1-22 of this bill enact the Charter School Financing Law and provide for the issuance of such obligations by the ~~[Authority.]~~ Director.

Section 29 of this bill revises provisions governing the closure of a charter school to provide, among other things, for notice of the closure, the development of a plan for closure, an audit and the winding up of the financial affairs of the charter school. Section 30 of this bill authorizes a charter school to incorporate as a nonprofit corporation. Section 31 of this bill authorizes a charter school to borrow money and encumber its property and other assets, and to use public money to purchase property with the approval of the charter school's sponsor.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. *Sections 2 to 22, inclusive, of this act may be cited as the Charter School Financing Law.*

Sec. 3. *As used in sections 2 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Bond" or "revenue bond" means any bond, note, security or other evidence of indebtedness ~~that~~ issued pursuant to sections 2 to 22, inclusive, of this act.*

Sec. 4.3. *"Cost of the project" means all or a designated part of the cost of any project, including any incidental cost pertaining to the project. The cost of a project may include, without limitation, the costs of:*

1. Surveys, audits, preliminary plans, other plans, specifications, estimates and other costs of preparations;

2. Appraising, printing, estimating, advice and services of engineers, architects, financial consultants, attorneys, clerical personnel and other agents and employees;

3. Publishing, posting, mailing and otherwise giving notice, filing or recording instruments, taking options and fees to banks;

4. Establishment of a reserve for contingencies;

5. Interest on bonds for any time which does not exceed the estimated period of construction plus 1 year, discounts on bonds, reserves for the payment of the principal of and interest on bonds, replacement expenses and other costs of issuing bonds;

6. Amending any resolution or other instrument authorizing the issuance of, or otherwise relating to, bonds for the project; and

7. Short-term financing and the expense of operation and maintenance of the project.

Sec. 4.5. "Director of the Department of Business and Industry" means the Director of the Department of Business and Industry or any person within the Department of Business and Industry designated by the Director to perform duties in connection with a project or the issuance of bonds pursuant to sections 2 to 22, inclusive, of this act.

Sec. 4.7. "Expense of operation and maintenance" means any reasonable and necessary expense of the State for the operation, maintenance and administration of a project or of the collection and administration of revenues from a project and includes, without limitation:

1. Expenses for engineering, auditing, reporting, legal services and other expenses of the Director of the Department of Business and Industry which are directly related to the administration of projects.

2. Premiums for fidelity bonds and policies of property and liability insurance pertaining to projects, and shares of the premiums of blanket bonds and policies which may be reasonably allocated to the State.

3. Payments to pension, retirement, health insurance and other insurance funds.

4. Reasonable charges made by any paying agent, commercial bank, credit union, trust company or other depository bank pertaining to bonds issued pursuant to sections 2 to 22, inclusive, of this act.

5. Services rendered under the terms of a contract, services of professionally qualified persons, salaries, administrative expenses and the cost of materials, supplies and labor pertaining to the issuance of any bonds pursuant to sections 2 to 22, inclusive, of this act, including the expenses of any trustee, receiver or other fiduciary.

6. Costs incurred in the collection and any refund of revenues from a project, including the amount of the refund.

7. Fees and costs incurred by the Director of the Department of Business and Industry for ensuring compliance with the provisions of sections 2 to 22, inclusive, of this act.

Sec. 5. "Finance" or "financing" includes, without limitation, the issuance of bonds by the ~~Nevada Public Charter School Authority~~ Director of the Department of Business and Industry for the purpose of using all or any part of the proceeds to pay for or to reimburse a user or the designee of a user for the cost of acquiring, improving or equipping the facilities of a project, or to provide money for the project itself, where appropriate, whether these costs are incurred by the ~~user~~ obligor or a designee of the ~~user~~ obligor.

Sec. 5.5. "Financing agreement" means an agreement by which the Director of the Department of Business and Industry agrees to issue bonds pursuant to sections 2 to 22, inclusive, of this act to finance one or more projects and the obligor agrees to:

1. Make payments directly or through notes, debentures, bonds or other secured or unsecured debt obligations of the obligor executed and delivered by the obligor to the Director or his or her designee or assignee, including a trustee, sufficient to pay the principal of, premium, if any, and interest on the bonds;

2. Pay other amounts required by sections 2 to 22, inclusive, of this act; and

3. Comply with all the applicable provisions of sections 2 to 22, inclusive, of this act.

Sec. 6. "Mortgage" means a mortgage, trust deed or other security device.

Sec. 6.5. "Obligor" means a charter school, natural person, partnership, firm, company, corporation, association, trust, estate, political subdivision, state agency or any other legal entity, or its legal representative, agent or assigns, who agrees to make the payments required by a financing agreement.

Sec. 7. "Project" means:

1. Any building, structure or real property owned, to be acquired or used by a charter school for any of its educational purposes and all related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping and parking facilities, together with all the personal property necessary, convenient or appurtenant thereto; or

2. Any capital equipment owned, to be acquired or used by a charter school for any of its educational purposes.

Sec. 7.5. "Revenues" includes, with respect to a project, payments under a lease, agreement of sale or financing agreement, or under notes, debentures, bonds and other secured or unsecured debt obligations of an obligor executed and delivered by the obligor to the Director of the Department of Business and Industry or his or her designee or assignee, including a trustee, pursuant to a lease, agreement of sale or financing agreement, or under any guarantee of or insurance with respect to any such lease, agreement of sale or financing agreement.

Sec. 8. ~~["User" means the person who will:~~

~~1. Occupy, operate, maintain and employ the facilities of a project; or~~

~~2. Manage and administer a project;~~

~~after the financing, acquisition or construction of the project.] (Deleted by amendment.)~~

Sec. 8.1. 1. It is the intent of the Legislature to authorize the Director of the Department of Business and Industry to finance facilities or other improvements to be owned, acquired and used by a charter school for any of its educational purposes.

2. The Director of the Department of Business and Industry has all the powers necessary to accomplish the purposes set forth in sections 2 to 22, inclusive, of this act, but these powers must be exercised for the health, safety, convenience, prosperity and welfare of the inhabitants of this State.

3. Sections 2 to 22, inclusive, of this act must be liberally construed in conformity with the purposes set forth in this section.

Sec. 8.3. When the Director of the Department of Business and Industry has received requests from one or more charter schools, lessees, purchasers or other obligors, the Director may issue revenue bonds to obtain money to fulfill the requests. Title to or in a project may at all times remain in the obligor or the obligor's designee or assignee and, in that case, the bonds must be secured by a pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the obligor.

Sec. 8.5. Except as otherwise provided in section 9.9 of this act, the Director of the Department of Business and Industry shall not finance a project unless, before financing the project, the Director finds and the State Board of Finance approves the findings of the Director that:

1. The project consists of any land, building or other improvement, and all real and personal properties necessary in connection therewith, which is suitable for new construction, improvement, restoration or rehabilitation of charter school facilities;

2. The charter school for whose benefit the project is being financed is not in default under the written charter granted by its sponsor, as determined by the sponsor;

3. There are sufficient safeguards to ensure that all money provided by the Director of the Department of Business and Industry will be expended solely for the purposes of the project;

4. There are sufficient safeguards to ensure that the Director of the Department of Business and Industry will have the ability to monitor compliance with the provisions of sections 2 to 22, inclusive, of this act on an ongoing basis with respect to the project;

5. Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

6. There has been a request by a charter school, lessee, purchaser or other obligor to have the Director of the Department of Business and Industry issue bonds to finance the project.

Sec. 8.7. 1. Except as otherwise provided in section 9.9 of this act, before financing a project pursuant to section 8.5 of this act, the Director of the Department of Business and Industry and the State Board of Finance must:

(a) Determine the total amount of money necessary to be provided by the Director of the Department of Business and Industry for financing the project.

(b) Except as otherwise provided in this subsection, receive a 5-year operating history from the contemplated charter school, lessee, purchaser or other obligor that will make or guarantee the payment of the principal,

premium, if any, and interest on any bond issued. An operating history is not required if the bonds:

(1) Are to be sold only to qualified institutional buyers, as defined in Rule 144A of the Securities and Exchange Commission, 17 C.F.R. § 230.144A, in minimum denominations of at least \$100,000; or

(2) Will receive a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.

(c) Consider whether the contemplated charter school, lessee, purchaser or other obligor that will make or guarantee the payment of the principal, premium, if any, and interest on any bonds issued has received within the 12 months immediately preceding the date of the findings of the Director of the Department of Business and Industry, or then has or has not in effect, a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.

(d) Consider the extent to which the project is affected by any federal, state or local governmental action, activity, program or development.

(e) Consider the length of time the charter school, lessee, purchaser or other obligor of the project has maintained facilities appropriate to the community in this State.

2. The Director of the Department of Business and Industry may adopt regulations to set forth additional factors to be considered by the Director and the State Board of Finance before financing a project pursuant to section 8.5 of this act.

Sec. 8.9. 1. The Director of the Department of Business and Industry may provide financing for a project pursuant to sections 2 to 22, inclusive, of this act if:

(a) The financing is limited in amount and purpose to the payment of the costs associated with:

(1) The acquisition, construction, improvement, restoration or rehabilitation of the project; and

(2) The cost of the project;

(b) The Director makes the findings required by section 8.5 of this act; and

(c) The Director complies with the guidelines established by the Director pursuant to subsection 2.

2. The Director of the Department of Business and Industry shall establish guidelines for the provision of financing for a project pursuant to sections 2 to 22, inclusive, of this act.

~~Sec. 9. 1. The Nevada Public Charter School Authority may:~~

~~(a) Sue and be sued in its own name;~~

~~(b) Have, and alter at will, an official seal;~~

~~(c) Contract with experts, advisers, consultants and agents for needed services;~~

~~(d) Finance or fund one or more projects, which must be located in this State;~~

~~(e) Issue revenue bonds on behalf of the State of Nevada, including refunding bonds, to defray the cost of financing, acquiring, constructing, reconstructing, improving, maintaining, equipping or furnishing any project, which revenue bonds may be issued in one or more series or issues where considered advisable, and each series or issue may contain different maturity dates, interest rates, priorities on securities available for guaranteeing payment of them, and other differing terms and conditions considered necessary and not in conflict with sections 2 to 22, inclusive, of this act;~~

~~(f) Secure the payment of any such bonds as provided in sections 2 to 22, inclusive, of this act;~~

~~(g) Make and execute contracts and other instruments as necessary or convenient for the performance of its duties and the exercise of its powers and functions; and~~

~~(h) Exercise any other powers or duties that are necessary or appropriate to carry out and effectuate the purposes of sections 2 to 22, inclusive, of this act.~~

~~2. The Nevada Public Charter School Authority shall not exercise any power in any manner which would create general obligations of the State of Nevada or any agency, department or political subdivision of the State.] (Deleted by amendment.)~~

Sec. 9.1. 1. All bonds issued by the Director of the Department of Business and Industry pursuant to sections 2 to 22, inclusive, of this act are special, limited obligations of the State. The principal of and interest on such bonds are payable, subject to the security provisions of sections 2 to 22, inclusive, of this act, solely out of the revenues derived from the financing, leasing or sale of the project or projects to be financed by the bonds.

2. The bonds and interest coupons, if any, which are part of those bonds do not constitute the debt or indebtedness of the State or any city or county within the meaning of any provision or limitation of the Constitution of the State of Nevada or statutes, and do not constitute or give rise to a pecuniary liability of the State or a charge against its general credit or taxing powers. This limitation must be plainly stated on the face of each bond.

Sec. 9.3. 1. Any bonds issued pursuant to sections 2 to 22, inclusive, of this act must be authorized by an order of the Director of the Department of Business and Industry and must:

(a) Be in denominations;

(b) Bear the date or dates;

(c) Mature at the time or times, not exceeding 40 years after their respective dates;

(d) Bear interest at a rate or rates;

(e) Be in the form;

(f) Carry the registration privileges;

(g) Be executed in the manner;

(h) Be payable at the place or places within or without the State; and

(i) Be subject to the terms of redemption,

↪ as provided by the order authorizing their issuance.

2. Any bonds issued pursuant to sections 2 to 22, inclusive, of this act may be sold in one or more series at par, or below or above par, in the manner and for the price or prices which the Director of the Department of Business and Industry determines in his or her discretion, and are not required to obtain a credit rating. As an incidental expense to any project to be financed by the bonds, the Director may employ financial and legal consultants in regard to the financing of the project on an ongoing basis.

3. Any bonds issued pursuant to sections 2 to 22, inclusive, of this act are fully negotiable under the terms of the Uniform Commercial Code—Investment Securities.

Sec. 9.5. The principal of, the interest on and any prior redemption premiums due in connection with the bonds issued pursuant to sections 2 to 22, inclusive, of this act are payable from, secured by a pledge of, and constitute a lien on the revenues out of which the bonds have been made payable. In addition, they may, in the discretion of the Director of the Department of Business and Industry, be secured by:

1. A mortgage or mortgages covering all or part of any project financed with the proceeds of the bonds, or upon any other property of the lessees, purchasers or obligors of those projects, or by a pledge of the lease, the agreement of sale or the financing agreement with respect to one or more of the projects, or both.

2. A pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the obligor of one or more of the projects.

3. The proceeds of the bonds and income from investment of the proceeds and of revenues.

Sec. 9.7. The Director of the Department of Business and Industry shall adopt regulations to carry out the provisions of sections 2 to 22, inclusive, of this act, including, without limitation, regulations for:

1. Investment and reinvestment of the proceeds from the sale of the bonds, including, without limitation:

(a) Bonds or other obligations of the United States of America.

(b) Bonds or other obligations, the payment of the principal and interest of which is unconditionally guaranteed by the United States of America.

(c) Obligations issued or guaranteed as to principal and interest by any agency or person controlled or supervised by and acting as an instrumentality of the United States of America pursuant to authority granted by the Congress of the United States of America.

(d) Obligations issued or guaranteed by any state of the United States of America, or any political subdivision of any state.

(e) Prime commercial paper.

(f) Prime finance company paper.

(g) Bankers' acceptances drawn on and accepted by commercial banks.

(h) Repurchase agreements fully secured by obligations issued or guaranteed as to principal and interest by the United States of America or by any person controlled or supervised by and acting as an instrumentality of the United States of America pursuant to authority granted by the Congress of the United States of America.

(i) Certificates of deposit issued by credit unions or commercial banks, including banks domiciled outside of the United States of America.

(j) Money market mutual funds that:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued or guaranteed as to payment of principal and interest by the Federal Government, or its agencies or instrumentalities, or in repurchase agreements that are fully collateralized by such securities.

2. Receiving, holding and disbursing of proceeds of the sale of bonds by one or more banks, credit unions or trust companies located within or without this State.

Sec. 9.9. 1. Any bonds issued pursuant to sections 2 to 22, inclusive, of this act may be refunded by the Director of the Department of Business and Industry by the issuance of refunding bonds in an amount which the Director determines necessary to refund the principal of the bonds to be so refunded, any unpaid interest thereon and any premiums and incidental expenses necessary to be paid in connection with refunding.

2. Refunding may be carried out whether the bonds to be refunded have matured or thereafter mature, either by sale of the refunding bonds and the application of the proceeds to the payment of the bonds to be refunded, or by exchange of the refunding bonds for the bonds to be refunded. The holders of the bonds to be refunded must not be compelled, without their consent, to surrender their bonds for payment or exchange before the date on which they are payable by maturity, option to redeem or otherwise, or if they are called for redemption before the date on which they are by their terms subject to redemption by option or otherwise.

3. All refunding bonds issued pursuant to this section must be payable solely from revenues and other money out of which the bonds to be refunded thereby are payable or from revenues out of which bonds of the same character may be made payable under this or any other law then in effect at the time of the refunding.

4. The Director of the Department of Business and Industry shall not issue refunding bonds unless, before the refinancing, the Director finds that issuance of refunding bonds will provide a lower cost of financing for the obligor or provide some other public benefit, but the findings, determinations and approval required by section 8.5 of this act are not required with respect to refunding bonds issued pursuant to this section.

Sec. 10. ~~[1. Any bonds issued by the Nevada Public Charter School Authority pursuant to sections 2 to 22, inclusive, of this act are special obligations of the Nevada Public Charter School Authority. Bonds and interest coupons issued pursuant to sections 2 to 22, inclusive, of this act are not and do not give rise to a general obligation or liability of the Nevada Public Charter School Authority or a charge against its general credit. This limitation must be plainly stated upon the face of any such bonds.~~

~~2. The bonds described in subsection 1 may be authorized by resolution of the Nevada Public Charter School Authority and may:~~

- ~~(a) Be executed and delivered at any time and from time to time;~~
- ~~(b) Be in such form and denominations;~~
- ~~(c) Be of such tenor;~~
- ~~(d) Be in registered or bearer form as to principal or interest or both;~~
- ~~(e) Be payable in such installments and at such times;~~
- ~~(f) Be payable at such places within or without the State;~~
- ~~(g) Bear interest at such rates and evidenced in such manner;~~
- ~~(h) Be redeemable before maturity, with or without premium;~~
- ~~(i) Be convertible into equity positions in any assets acquired or developed with the proceeds of the sale of the bonds; and~~
- ~~(j) Contain such other provisions, not inconsistent with sections 2 to 22, inclusive, of this act,~~

~~as is deemed by the Nevada Public Charter School Authority to be for the best interests of the Nevada Public Charter School Authority and provided for in its proceedings pursuant to which the bonds are authorized to be issued.~~

~~3. Any bonds issued pursuant to sections 2 to 22, inclusive, of this act may be sold at public or private sale in such a manner and at such times as determined by the Nevada Public Charter School Authority to be most advantageous, with or without a credit rating.~~

~~4. The bonds of the Nevada Public Charter School Authority must be secured by a pledge of one or more notes, debentures, bonds, other secured or unsecured debt obligations of the user, or such sinking fund or other arrangement as in the judgment of the Nevada Public Charter School Authority is appropriate for the purpose of ensuring payment of the bond obligations to investors in accordance with their terms.~~

~~5. Any bonds issued pursuant to sections 2 to 22, inclusive, of this act and any interest coupons applicable to such bonds are negotiable instruments notwithstanding the fact that they are payable solely from a specified source.] (Deleted by amendment.)~~

Sec. 10.1. 1. Except as otherwise provided in subsection 2, bonds and other securities issued pursuant to sections 2 to 22, inclusive, of this act, their transfer and the income produced by the bonds and other securities is and must forever be and remain free and exempt from taxation by this State or any political subdivision of this State.

2. The provisions of subsection 1 do not apply to the tax on the transfers of taxable estates imposed by chapter 375A of NRS or the tax on generation-skipping transfers imposed by chapter 375B of NRS.

Sec. 10.3. No action may be brought questioning the legality of any contract, lease, agreement, indenture, mortgage, order or bonds executed, adopted or taken in connection with any project or improvements authorized by sections 2 to 22, inclusive, of this act more than 30 days after the effective date of the order of the Director of the Department of Business and Industry authorizing the issuance of those bonds.

Sec. 10.5. The faith of the State is hereby pledged that sections 2 to 22, inclusive, of this act will not be repealed, amended or modified to impair any outstanding bonds or any revenues pledged to their payment, or to impair, limit or alter the rights or powers vested in a charter school to acquire, finance, improve and equip a project in any way that would jeopardize the interest of any lessee, purchaser or other obligor, or to limit or alter the rights or powers vested in the Director of the Department of Business and Industry to perform any agreement made with any lessee, purchaser or other obligor, until all bonds have been discharged in full or provisions for their payment and redemption have been fully made.

Sec. 10.7. 1. Sections 2 to 22, inclusive, of this act, without reference to other statutes of this State, constitute full authority for the exercise of powers granted in those sections, including, without limitation, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized by sections 2 to 22, inclusive, of this act, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in sections 2 to 22, inclusive, of this act, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this State or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to sections 2 to 22, inclusive, of this act, except that the provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for

financing is granted on or after July 1, 2013, by the Director of the Department of Business and Industry for work to be done on a project.

5. Any bank or trust company located within or without this State may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to sections 2 to 22, inclusive, of this act without the necessity of associating with any other person or entity as cofiduciary, but such an association is not prohibited.

6. The powers conferred by sections 2 to 22, inclusive, of this act are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect, the powers conferred by any other law.

7. No part of sections 2 to 22, inclusive, of this act repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

8. The Director of the Department of Business and Industry or a person designated by the Director may take any actions and execute and deliver any instruments, contracts, certificates and other documents, including the bonds, necessary or appropriate for the sale and issuance of the bonds or accomplishing the purposes of sections 2 to 22, inclusive, of this act without the assistance or intervention of any other officer.

~~Sec. 11. [The proceedings of the Nevada Public Charter School Authority under which any bonds are authorized to be issued pursuant to sections 2 to 22, inclusive, of this act may:~~

~~1. If the bonds bear interest at a variable rate, specify the methods, formulas or indices by which the interest rate is to be determined;~~

~~2. Specify:~~

~~(a) The terms and conditions under which any such bonds are issued, sold and delivered;~~

~~(b) The officer or member of the Nevada Public Charter School Authority responsible for issuance, execution and delivery of the bonds;~~

~~(c) The maximum amount of bonds which may be outstanding at any one time;~~

~~(d) The source of payment of the bonds, which may include the proceeds of refunding bonds issued pursuant to sections 2 to 22, inclusive, of this act; and~~

~~(e) Any other details necessary or appropriate for the issuance of bonds not inconsistent with sections 2 to 22, inclusive, of this act; and~~

~~3. Delegate by resolution to one or more members or officers of the Nevada Public Charter School Authority the authority to:~~

~~(a) In accordance with and within the limits set forth in the resolution, approve the final interest rate, price, principal amount, maturity, redemption features and other terms of the bonds; and~~

~~(b) Approve and execute all documents relating to the issuance of the bonds.] (Deleted by amendment.)~~

Sec. 12. ~~[1. The principal of and interest on any bonds issued by the Nevada Public Charter School Authority:~~

~~(a) Must be secured by a pledge and assignment of the revenues out of which the bonds are made payable or by such other sinking fund or security provision as, in the judgment of the Nevada Public Charter School Authority, is reasonably designed to assure payment of the obligations to the purchasers thereof, except that a purchaser of any such bonds has no recourse against the Nevada Public Charter School Authority's general funds or its general credit;~~

~~(b) May be secured by a mortgage covering all or any part of the project; and~~

~~(c) May be secured by any other security device deemed most advantageous by the Nevada Public Charter School Authority.~~

~~2. The proceedings under which any bonds are authorized to be issued pursuant to sections 2 to 22, inclusive, of this act and any mortgage given to secure them may contain any agreement and provision customarily contained in instruments securing bonds, including, without limitation, provisions relating to:~~

~~(a) The fixing and collection of money for any project covered by the proceedings or mortgage;~~

~~(b) The terms to be incorporated in the lease, installment purchase agreement, rental agreement, mortgage, trust indenture, loan agreement, financing agreement or other agreement for the project;~~

~~(c) The maintenance and insurance of the project;~~

~~(d) The creation and maintenance of one or more special funds from the revenues of the project; and~~

~~(e) The rights and remedies available to the bondholders or to the trustee under a mortgage in the event of a default, which the Nevada Public Charter School Authority deems advisable and which are not in conflict with sections 2 to 22, inclusive, of this act, except that in making any agreements or provisions the Nevada Public Charter School Authority may not obligate itself and may not incur a general obligation or liability or a charge upon its general credit.~~

~~3. The proceedings authorizing any bonds pursuant to sections 2 to 22, inclusive, of this act and any mortgage securing bonds may provide that, in the event of a default in the payment of the principal of or the interest on the bonds or in the performance of any agreement contained in the proceedings or mortgage, payment and performance may be enforced by the appointment of a receiver with power to charge and collect the revenues from the project and to apply the revenues from the project in accordance with the proceedings or the provisions of the mortgage.~~

~~4. Any mortgage made pursuant to sections 2 to 22, inclusive, of this act to secure bonds issued pursuant to those sections may also provide that, in the event of a default in payment or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed or otherwise realized on in~~

~~any manner permitted by law. The mortgage may also provide that any trustee under the mortgage or the holder of any of the bonds secured by the mortgage may become the purchaser at any foreclosure sale if the mortgagee or holder is the highest bidder. No breach of any agreement imposes any general obligation or liability upon the Nevada Public Charter School Authority or any charge upon its general credit.~~

~~5. Any revenues pledged for the payment of any bonds issued by the Nevada Public Charter School Authority are immediately subject to the lien of each such pledge without any physical delivery thereof, any filing or further act and the lien of each such pledge has priority over all other obligations and liabilities of the Nevada Public Charter School Authority, except as may be otherwise provided in sections 2 to 22, inclusive, of this act or in the proceedings authorizing the bonds, and subject to any pledges and liens previously created. The lien of each such pledge is valid and binding as against all persons having claims of any kind, whether in tort, contract or otherwise, against the Nevada Public Charter School Authority regardless of whether any such persons have notice of the lien.} (Deleted by amendment.)~~

~~Sec. 13. [Any bonds issued and at any time outstanding pursuant to sections 2 to 22, inclusive, of this act may at any time and from time to time be refunded either in advance or by exchange by the Nevada Public Charter School Authority by the issuance of its refunding bonds in such amount as the Nevada Public Charter School Authority deems necessary. Any such refunding may be effected whether the bonds to be refunded have then matured or mature thereafter, either by sale of the refunding bonds and the application of the proceeds from the sale to the payment of the bonds to be refunded by such refunding bonds or by exchange of the refunding bonds for the bonds to be refunded by such refunding bonds. Any refunding bonds issued pursuant to sections 2 to 22, inclusive, of this act are subject to the provisions of section 11 of this act and may be secured in accordance with the provisions of section 12 of this act.} (Deleted by amendment.)~~

~~Sec. 14. [The proceeds from the sale of any bonds issued pursuant to sections 2 to 22, inclusive, of this act must be applied only for the purposes for which the bonds are issued, but any accrued interest and premium received upon any such sale must be applied to the payment of the principal of or the interest on the bonds sold, and if for any reason any portion of those proceeds are not needed for the purposes for which the bonds were issued, then the unneeded portion of the proceeds must be applied to the payment of the principal of or the interest on the bonds or in accordance with such other plan or device for the furtherance of the project and the protection of the bondholder as the Nevada Public Charter School Authority deems appropriate under the circumstances.} (Deleted by amendment.)~~

~~Sec. 15. [The cost of acquiring or improving any project includes:~~
~~1. The actual cost of acquiring or improving real estate;~~
~~2. The actual cost of enlarging, constructing, reconstructing, improving, maintaining, equipping or furnishing all or any part of a project which is~~

~~constructed, including, without limitation, the fees of architects or engineers; and~~

~~3. All expenses in connection with the authorization, sale and issuance of the bonds to finance the acquisition or improvement, enlargement, construction, reconstruction, improvement, maintenance, equipping or furnishing of a project, including, without limitation, legal fees, the fees of financial advisers, fees for a letter of credit, fees for a line of credit or other liquidity agreement, bank acceptance fees, fees of tender agents, remarketing agents and indexing agents, premiums for bond insurance or insurance of the obligations of users under security agreements, printing costs, underwriters' discounts, reserves to pay principal and interest on the bonds and the interest on bonds for a reasonable time before construction, during construction and for a reasonable period after completion of construction of a project.] (Deleted by amendment.)~~

~~Sec. 16. [The determination of the Nevada Public Charter School Authority that the limitations of sections 2 to 22, inclusive, of this act imposed upon the issuance of bonds or upon the issuance of other securities pursuant to those sections, including, without limitation, any securities for funding or refunding securities, have been complied with is conclusive in the absence of fraud or arbitrary and gross abuse of discretion.] (Deleted by amendment.)~~

~~Sec. 17. [1. Except as otherwise provided in subsection 2, bonds and other securities issued pursuant to the provisions of sections 2 to 22, inclusive, of this act, their transfer and the income produced by the bonds and other securities is and must forever be and remain free and exempt from taxation by this State or any political subdivision of this State.~~

~~2. The provisions of subsection 1 do not apply to the tax on the transfers of taxable estates imposed by chapter 375A of NRS or the tax on generation-skipping transfers imposed by chapter 375B of NRS.] (Deleted by amendment.)~~

~~Sec. 18. [Nothing contained in sections 2 to 22, inclusive, of this act shall be construed as a restriction or limitation upon any lawful powers otherwise possessed by the Nevada Public Charter School Authority.] (Deleted by amendment.)~~

~~Sec. 19. [1. Any bank, trust company, banker, savings bank or institution, savings and loan association, investment company and any other person carrying on a banking or investment business, any insurance company, insurance association or any other person carrying on an insurance business and any executor, administrator, curator, trustee or any other fiduciary, may invest money in his, her or its custody in any of the bonds or other securities issued in accordance with the provisions of sections 2 to 22, inclusive, of this act.~~

~~2. Nothing contained in this section shall be deemed to relieve any person of any duty of exercising reasonable care in selecting securities.] (Deleted by amendment.)~~

Sec. 20. ~~[1. The State of Nevada hereby pledges to and agrees with the holders of any bonds issued pursuant to sections 2 to 22, inclusive, of this act, and any person who may enter into contracts with the Nevada Public Charter School Authority, that the State will not alter, impair or limit the rights vested by any such bonds or contracts until the bonds, with applicable interest, are fully met and discharged and the contracts are fully performed.~~

~~2. Nothing contained in sections 2 to 22, inclusive, of this act shall be deemed to preclude any alteration, impairment or limitation if adequate provision is made by law for the protection of the holders of the bonds or persons entering into contracts with the Nevada Public Charter School Authority. The Nevada Public Charter School Authority may include this pledge and undertaking for the State in any such bonds or contracts.]~~
(Deleted by amendment.)

Sec. 21. ~~[1. The Nevada Public Charter School Authority shall provide for the publication of any resolution or other proceeding adopted by it pursuant to sections 2 to 22, inclusive, of this act.~~

~~2. Any such publication must be in a newspaper of general circulation in the county in which the project is located and must comply with the provisions of NRS 238.010 to 238.080, inclusive.~~

~~3. With respect to any resolution or other proceeding providing for the issuance of bonds and authorizing the execution of any agreement in connection therewith, the Nevada Public Charter School Authority may, in lieu of publishing the entire resolution or other proceeding, publish a notice of bonds to be issued, titled as such, containing:~~

~~(a) The name of the Nevada Public Charter School Authority;~~
~~(b) The purpose of the issue;~~
~~(c) The name of the users, if known;~~
~~(d) The maximum principal amount which may be issued;~~
~~(e) The maximum number of years over which the bonds may mature; and~~
~~(f) The times and place at which a copy of the resolution or other proceeding may be examined, which must be at an office of the Nevada Public Charter School Authority during its regular business hours as described in the notice and for a period of not less than 30 days after the publication of the notice.~~

~~4. Any person in interest may contest the legality of the resolution, proceeding, any bonds authorized under them or any provisions made for the security and payment of the bonds within 30 days after the publication required by this section. After the end of that period, no person may contest the regularity, formality or legality of the resolution or any agreement authorized thereby, or the proceedings, bonds or security provisions for any cause.]~~ (Deleted by amendment.)

Sec. 22. ~~[1. Except as otherwise provided in sections 2 to 22, inclusive, of this act, no other statute which is applicable to the authorization or issuance of bonds or other securities or the exercise of any other power granted pursuant to sections 2 to 22, inclusive, of this act and which requires~~

~~approval or in any way impedes or restricts the Nevada Public Charter School Authority in carrying out the acts authorized to be done pursuant to sections 2 to 22, inclusive, of this act is applicable to any proceedings taken or acts done pursuant to the provisions of those sections.~~

~~2. The powers conferred by sections 2 to 22, inclusive, of this act are in addition and supplemental to and not in substitution for any other law, and the limitations imposed by sections 2 to 22, inclusive, of this act do not affect the powers conferred by any other law.~~

~~3. Nothing contained in sections 2 to 22, inclusive, of this act shall be construed to prevent the exercise of any power granted to the Nevada Public Charter School Authority, acting by and through any of its officers, agents or employees, or otherwise by any law.~~

~~4. No part of sections 2 to 22, inclusive, of this act repeals or affects any other law or part thereof, and sections 2 to 22, inclusive, of this act shall not be construed as repealing or amending any such other law.] (Deleted by amendment.)~~

Sec. 23. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.610, inclusive, ~~and sections 2 to 22, inclusive, of this act~~, the words and terms defined in NRS 386.495, 386.500 and 386.503 have the meanings ascribed to them in those sections.

Sec. 24. ~~[NRS 386.495 is hereby amended to read as follows:~~

~~386.495 "Director" means the Director of the [State] Nevada Public Charter School Authority appointed pursuant to NRS 386.511.] (Deleted by amendment.)~~

Sec. 25. ~~[NRS 386.503 is hereby amended to read as follows:~~

~~386.503 ["State] "Nevada Public Charter School Authority" means the [State] Nevada Public Charter School Authority created by NRS 386.509.] (Deleted by amendment.)~~

Sec. 26. ~~[NRS 386.509 is hereby amended to read as follows:~~

~~386.509 The [State] Nevada Public Charter School Authority is hereby created [.] as a body politic and corporate. The purpose of the [State] Nevada Public Charter School Authority is to:~~

~~1. Authorize charter schools of high quality throughout this State with the goal of expanding the opportunities for pupils in this State, including, without limitation, pupils who are at risk.~~

~~2. Provide oversight to the charter schools that it sponsors to ensure that those charter schools maintain high educational and operational standards, preserve autonomy and safeguard the interests of pupils and the community.~~

~~3. Serve as a model of the best practices in sponsoring charter schools and foster a climate in this State in which all charter schools, regardless of sponsor, can flourish.~~

~~4. Exercise the powers granted to it by NRS 386.490 to 386.610, inclusive, and sections 2 to 22, inclusive, of this act, including the power to borrow money and issue obligations, including refunding obligations.] (Deleted by amendment.)~~

Sec. 27. ~~[NRS 386.5095 is hereby amended to read as follows:~~

~~386.5095 1. The [State] Nevada Public Charter School Authority consists of seven members. The membership of the [State] Nevada Public Charter School Authority consists of:~~

~~(a) Two members appointed by the Governor in accordance with subsection 2;~~

~~(b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;~~

~~(c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2; and~~

~~(d) One member appointed by the Charter School Association of Nevada or its successor organization.~~

~~2. The Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall ensure that the membership of the [State] Nevada Public Charter School Authority:~~

~~(a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;~~

~~(b) Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;~~

~~(c) Includes persons with specific knowledge of:~~

~~(1) Issues relating to elementary and secondary education;~~

~~(2) School finance or accounting, or both;~~

~~(3) Management practices;~~

~~(4) Assessments required in elementary and secondary education;~~

~~(5) Educational technology; and~~

~~(6) The laws and regulations applicable to charter schools; and~~

~~(d) Insofar as practicable, reflects the ethnic and geographical diversity of this State.~~

~~3. Each member of the [State] Nevada Public Charter School Authority must be a resident of this State.~~

~~4. After the initial terms, the term of each member of the [State] Nevada Public Charter School Authority is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the [State] Nevada Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the [State] Nevada Public Charter School Authority until his or her successor is appointed.~~

~~5. The members of the [State] Nevada Public Charter School Authority shall select a Chair and Vice Chair from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.~~

~~6. Each member of the [State] Nevada Public Charter School Authority is entitled to receive:~~

~~(a) For each day or portion of a day during which he or she attends a meeting of the [State] Nevada Public Charter School Authority a salary of not more than \$80, as fixed by the [State] Nevada Public Charter School Authority; and~~

~~(b) For each day or portion of a day during which he or she attends a meeting of the [State] Nevada Public Charter School Authority or is otherwise engaged in the business of the [State] Nevada Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~7. If the Nevada Public Charter School Authority is dissolved for any reason, all money, property, rights and interests of the Nevada Public Charter School Authority, after the satisfaction of its obligations, immediately vest in and become the property of the State of Nevada, which succeeds to all rights of the Nevada Public Charter School Authority subject to any encumbrances which then exist on any of its properties or other assets.~~

~~8. None of the net earnings of the Nevada Public Charter School Authority inure to the benefit of any private person.~~ (Deleted by amendment.)

Sec. 28. NRS 386.5125 is hereby amended to read as follows:

386.5125 The State ~~Nevada~~ Public Charter School Authority may employ such persons as it deems necessary to carry out the provisions of NRS 386.490 to 386.610, inclusive ~~[-]~~, and sections 2 to 22, inclusive, of this act. The staff employed by the State ~~Nevada~~ Public Charter School Authority must be qualified to carry out the daily responsibilities of sponsoring charter schools ~~and the responsibilities of providing for the financing of charter school facilities~~ in accordance with the provisions of NRS 386.490 to 386.610, inclusive ~~[-]~~, and sections 2 to 22, inclusive, of this act.

Sec. 29. NRS 386.536 is hereby amended to read as follows:

386.536 1. ~~[Except as otherwise provided in subsections 2 and 3, if]~~ If a charter school ceases to operate voluntarily or upon revocation of its written charter, the governing body of the charter school shall ~~[appoint]~~ :

(a) Give written notice of the closure to:

(1) The sponsor of the charter school, unless the closure results from the revocation of the written charter;

(2) The ~~Nevada Public Charter School Authority, unless the Nevada Public Charter School Authority is the sponsor of the charter school and the closure results from the revocation of the written charter.~~ Director of the Department of Business and Industry;

(3) The board of trustees of the school district in which the charter school is located, unless the board of trustees is the sponsor of the charter school and the closure results from the revocation of the written charter;

(4) *The Department;*

(5) *The parents or legal guardians of the pupils enrolled in the charter school; and*

(6) *The creditors of the charter school;*

(b) *Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure [1];*

(c) *As soon as practicable, develop and present to the sponsor of the charter school a written plan for the closure of the charter school;*

(d) *Maintain an office at the charter school or elsewhere, with regular hours of operation and voice messaging stating the hours of operation;*

(e) *Maintain existing insurance coverage in force for the period required by the sponsor of the charter school;*

(f) *Conduct a financial audit and an inventory of all the assets of the charter school and cause a written report of the audit and inventory to be prepared for the sponsor of the charter school and the Department;*

(g) *Prepare a written list of the creditors of the charter school, identifying secured creditors and the assets in which those creditors have a security interest;*

(h) *Supply any information or documents required by the sponsor of the charter school; and*

(i) *Protect all the assets of the charter school from theft, misappropriation, deterioration or other loss.*

2. *The notice of the closure required by subsection 1 must include:*

(a) *The date of closure;*

(b) *A statement of the plan of the charter school to assist pupils to identify and transfer to another school; and*

(c) *The telephone number, mailing address and physical address of the office required by subsection 1.*

3. *The administrator appointed pursuant to subsection 1 shall carry out the duties prescribed for the governing body of the charter school by paragraphs (c) to (i), inclusive, of subsection 1 if the governing body ceases to exist or is otherwise unable to perform those duties and shall assume the responsibility for the records of the:*

(a) *Charter school;*

(b) *Employees of the charter school; and*

(c) *Pupils enrolled in the charter school.*

[2.] 4. *If an administrator for the charter school is no longer available to carry out the duties set forth in subsection [1.] 3, the governing body of the charter school shall appoint a qualified person to assume those duties.*

[3.] 5. *If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection [2.] 4, the sponsor of the charter*

school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection ~~[1-]~~ 3.

~~[4-]~~ 6. *In addition to performing the duties set forth in subsection 3, the administrator appointed by the governing body of the charter school or the sponsor, or the qualified person appointed to carry out the duties of the administrator, shall:*

(a) Cause to be paid and discharged all the liabilities and obligations of the charter school to the extent of the charter school's assets;

(b) Terminate any lease, service agreement or any other contract of the charter school that is not necessary to complete the closure of the charter school;

(c) Supply any information or documents required by the sponsor of the charter school; and

(d) After the financial affairs of the charter school have been wound up and the closure of the charter school has otherwise been completed, cause a financial audit to be prepared and cause a written report of the audit to be prepared for the sponsor of the charter school and the Department.

7. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

Sec. 30. NRS 386.553 is hereby amended to read as follows:

386.553 A charter school ~~[shall]~~:

1. *Shall* not operate for profit.

2. *May be incorporated as a nonprofit corporation pursuant to the provisions of chapter 82 of NRS.*

Sec. 31. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use

school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. *A charter school may:*

(a) *Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;*

(b) *Mortgage, pledge or otherwise encumber all or any part of its property or assets;*

(c) *Borrow money and otherwise incur indebtedness; and*

(d) *Use public money to purchase real property or buildings with the approval of the sponsor.*

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➡ If the board of trustees of a school district authorizes a pupil 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 pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

~~{5-}~~ 6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➡ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

~~{6.}~~ 7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections ~~{4 and}~~ 5 and 6 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, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so 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.

Sec. 32. NRS 386.562 is hereby amended to read as follows:

386.562 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;

(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; or

(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.

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. 33. NRS 386.570 is hereby amended to read as follows:

386.570 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 school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, 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. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose. 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 387.1235.

2. 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.

3. 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 apportionment to the charter school made pursuant to NRS 387.124. Except as otherwise provided in subsection 4, 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.

4. If the governing body of a charter school satisfies the requirements of this subsection, 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. 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. 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. The governing body of a charter school may submit a request for a reduction of the sponsorship fee pursuant to this subsection if:

(a) The charter school satisfies the requirements of subsection 1 of NRS 386.5515; 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.

5. 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. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection 5 of NRS 387.124, 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.

6. 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 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.

7. 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 ~~Nevada~~ 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.

~~{8. If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.}~~

Sec. 34. NRS 386.575 is hereby amended to read as follows:

386.575 1. If a charter school files a voluntary petition of bankruptcy or is declared bankrupt during a school year, ~~{the governing body of the charter school shall make an assignment of all} any real property {and} or other property {of the charter school to the State of Nevada for the repayment of all money received} held by the charter school {from this state for the operation of the charter school during that year. The governing body shall make full settlement with this state for such repayment, and the State may take any lawful action necessary to recover the money.}~~ *must be disposed of as provided in NRS 386.536.*

2. If a charter school files a voluntary petition of bankruptcy or is declared bankrupt during a school year, neither the State of Nevada nor the sponsor of the charter school may be held liable for any claims resulting from the bankruptcy.

Sec. 35. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district,

including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

- (a) Pupils in the kindergarten department.
- (b) Pupils in grades 1 to 12, inclusive.
- (c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.
- (d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.
- (e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.
- (f) Pupils who are enrolled in classes pursuant to subsection ~~4~~ 5 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580.
- (g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.
- (h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

- (a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.
- (b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.
- (c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

- (a) The maintenance of an acceptable standard of instruction;
- (b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

↪ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 36. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, 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) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) 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 on the last day of the first school month of the school district for the school year, 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 (2).

(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 on the last day of the first school month of the school district for the school year, 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 (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

(7) 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 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection ~~{4}~~ 5 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, 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 (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. 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 on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years 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.

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 on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same

school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding 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.

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 2 or 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. 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.

6. 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.

7. 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. 37. ~~[The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.] (Deleted by amendment.)~~

Sec. 38. This act becomes effective on July 1, 2013.

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Thank you, Mr. President. Amendment No. 451 makes several changes to Senate Bill No. 384. First, it changes the authority for the program specified in the bill to issue tax-exempt bonds and other obligations from the charter school authority to the Director of the Department of Business and Industry. The amendment defines prerequisites for the program and includes various definitions including those for the cost of the project, expense of operation and maintenance, finance agreement, obligator and revenues, among others.

The amendment also modifies sections of the bill concerning form and terms of bonds, bond security, exemptions of bonds from taxation, pledge of faith of the State concerning repeals and modifications and refunding. Further limitation of actions in sufficiency of the provisions are specified. In addition, the amendment clarifies as is provided elsewhere in the law, any contract for new construction, repair or reconstruction for which financing was granted must adhere to Nevada's prevailing wage laws.

It requires the Director to adopt regulations concerning the amendment and the bill as a whole and revises various provisions within the charter school statutes to correspond to the amendment,

as well as adding notification of the Director of Business and Industry if a charter school is closed.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 392.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 453.

"SUMMARY—~~[Requires reporting of certain]~~ Directs the Legislative Committee on Education to conduct an interim study concerning gifts and bequests relating to education. (BDR ~~{34-147})~~ S-147)"

"AN ACT relating to education; ~~[requiring certain gifts and bequests of money or property to be reported by the State Board of Education or the board of trustees of a school district;]~~ directing the Legislative Committee on Education to conduct an interim study concerning gifts or bequests of money or property to the State Board of Education or the board of trustees of a school district; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Under existing law, the State Board of Education and the board of trustees of each school district are authorized to accept gifts and bequests of money and property for certain purposes. (NRS 385.095, 386.390) This bill requires the State Board and each board of trustees to prepare reports relating to such gifts and bequests and the donors thereof and include the reports on the agenda of the next regular meeting of the State Board or board of trustees, as applicable.]~~ This bill directs the Legislative Committee on Education to conduct an interim study concerning gifts or bequests of money or property to the State Board of Education or the board of trustees of a school district. This bill also requires the Committee to submit a copy of the final written report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

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

Section 1. ~~NRS 385.095 is hereby amended to read as follows:
385.095 Except as otherwise provided in NRS 385.091:~~

~~1. All gifts of money which the State Board is authorized to accept must be deposited in a special revenue fund in the State Treasury designated as the Education Gift Fund [.] and reported pursuant to subsection 4.~~

~~2. The money available in the Education Gift Fund must be used only for the purpose specified by the donor, within the scope of the State Board's powers and duties, and no expenditure may be made until approved by the Legislature in an authorized expenditure act or by the Interim Finance Committee if the Legislature is not in session.~~

~~3. If all or part of the money accepted by the State Board from a donor is not expended before the end of any fiscal year, the remaining balance of the amount donated must remain in the Education Gift Fund until needed for the purpose specified by the donor.~~

~~4. The State Board shall record each gift of money deposited in the Education Gift Fund pursuant to this section and prepare a report which includes, for each such gift:~~

~~(a) The amount of the gift;~~

~~(b) The name of the donor of the gift;~~

~~(c) Any instructions provided by the donor concerning the use of the gift; and~~

~~(d) Information concerning any connection between the donor and the State Board or the administration of the system of public education in this State, including, without limitation:~~

~~(1) Any contract between the donor and the State Board;~~

~~(2) Any contract between the donor and the State Public Charter School Authority;~~

~~(3) Any bid by the donor for a contract with the State Board;~~

~~(4) Any bid by the donor for a contract with the State Public Charter School Authority;~~

~~(5) If the donor is a lobbyist as defined in NRS 218H.080, a statement of whether the donor lobbies on issues of interest to the State Board or relating to the system of public education in this State; and~~

~~(6) Any service by the donor on a committee to form a charter school pursuant to NRS 386.520.~~

~~5. The State Board shall include the report prepared pursuant to subsection 4 on the agenda of the next regular meeting of the State Board held pursuant to NRS 385.040 and review all gift transactions listed on the report that have taken place since the previous meeting of the State Board.]~~
(Deleted by amendment.)

Sec. 2. [NRS 386.390 is hereby amended to read as follows:

~~386.390 1. Each board of trustees shall have the power to accept on behalf of and for the school district any gift or bequest of money or property for a purpose deemed by the board of trustees to be suitable, and to utilize such money or property for the purpose so designated.~~

~~2. The board of trustees shall record each gift or bequest accepted pursuant to this section and prepare a report which includes, for each such gift or bequest:~~

~~(a) The amount of the gift or bequest of money or the fair market value of the bequest of property, as applicable;~~

~~(b) The name of the donor of the gift or bequest;~~

~~(c) Any instructions provided by the donor concerning the use of the gift or bequest; and~~

~~(d) Information concerning any connection between the donor and the board of trustees or any person responsible for the administration of the system of public education in this State, including, without limitation:~~

~~(1) Any contract between the donor and the board of trustees;~~

~~(2) Any contract between the donor and the State Public Charter School Authority;~~

~~(3) Any bid by the donor for a contract with the board of trustees;~~

~~(4) Any bid by the donor for a contract with the State Public Charter School Authority;~~

~~(5) If the donor is a lobbyist as defined in NRS 218H.080, a statement of whether the donor lobbies on issues of interest to the board of trustees or relating to the system of public education in this State; and~~

~~(6) Any service by the donor on a committee to form a charter school pursuant to NRS 386.520.~~

~~3. The board of trustees shall include the report prepared pursuant to subsection 2 on the agenda of the next regular meeting of the board of trustees held pursuant to NRS 386.330 and review all transactions involving a gift or bequest listed on the report that have taken place since the previous meeting of the board of trustees. (Deleted by amendment.)~~

Sec. 2.5. 1. The Legislative Committee on Education shall conduct a study concerning gifts or bequests of money or property to the State Board of Education or the board of trustees of a school district. The study must include, without limitation, a review of:

(a) The transparency of the process of making gifts and bequests of money and property;

(b) The feasibility and advisability of imposing disclosure requirements for gifts or bequests of money or property;

(c) The feasibility and advisability of restricting the ability of the State Board or the board of trustees of a school district to accept certain kinds of gifts or bequests of money or property;

(d) The feasibility and advisability of limiting the conditions donors may place on gifts or bequests of money or property, including, without limitation, directions concerning the manner in which a gift or bequest is to be used;

(e) The feasibility and advisability of imposing limitations on the purposes for which a gift or bequest of money or property may be used; and

(f) Any other issues relating to gifts or bequests of money or property the Committee deems to be relevant.

2. The Committee shall recommend such action as may be necessary as a result of its findings.

3. On or before February 1, 2015, the Committee shall prepare a final written report of the results of the study and submit a copy of the report and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature.

Sec. 3. This act becomes effective on July 1, 2013.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Thank you, Mr. President. Amendment No. 453 to Senate Bill No. 392 revises the bill as a whole to direct the topic of reporting gifts and bequests of money or property to be part of a study conducted by the Legislative Committee on Education during the Interim period.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 427.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 459.

"SUMMARY—Revises provisions governing bullying. (BDR 5-72)"

"AN ACT relating to education; requiring courts to inform school districts of incidents of unlawful bullying or cyber-bullying; revising the definition of bullying ~~[; revising]~~ and cyber-bullying; expanding the prohibition against bullying and cyber-bullying to include ~~[certain persons and acts that occur away from school;]~~ members of a club or organization which uses the facilities of any public school; repealing certain definitions; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires a court to provide certain information to a school district if a court determines that a child who is currently enrolled in the school district has unlawfully caused or attempted to cause serious bodily injury to another person. (NRS 62E.030) Section 1 of this bill likewise requires a court to inform a school district if a child who is currently enrolled in the school district has unlawfully engaged in bullying or cyber-bullying.

Existing law provides definitions of bullying, cyber-bullying, harassment and intimidation for the purposes of providing a safe and respectful learning environment and prohibiting certain conduct ~~[;]~~ in such a manner that the definition of bullying includes most of the elements of the definitions of harassment and intimidation. (NRS 388.123-388.129) Section 7 of this bill revises the definition of bullying to include all the elements of the definitions of harassment and intimidation. Section 7 also effectively revises in the same manner the definition of cyber-bullying, which is bullying through the use of electronic communication. (NRS 388.123) Section 19 of this bill repeals the existing definitions of harassment and intimidation.

Existing law prohibits a member of the board of trustees of a school district, an employee of the board of trustees or a pupil from engaging in bullying, cyber-bullying, harassment or intimidation on the premises of any public school, at an activity sponsored by a public school or on any school bus. (NRS 388.135) Section 15 of this bill: (1) removes the references to harassment and intimidation ~~[;]~~ , consistent with the removal of these terms by section 19; and (2) prohibits a member of a club or organization which uses the facilities of any public school, regardless of whether the club or

organization has any connection to the school, from engaging in bullying or cyber-bullying. ~~[-] and (3) prohibits bullying or cyber-bullying at any location that is not school related, if the conduct causes physical or emotional harm to another person or damage to another person's property, and creates an environment which is hostile to a pupil.]~~

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

Section 1. NRS 62E.030 is hereby amended to read as follows:

62E.030 1. If a court determines that a child who is currently enrolled in school unlawfully caused or attempted to cause serious bodily injury to another person, the court shall provide the information specified in subsection 2 to the school district in which the child is currently enrolled.

2. The information required to be provided pursuant to subsection 1 must include:

- (a) The name of the child;
- (b) A description of any injury sustained by the other person;
- (c) A description of any weapon used by the child; and
- (d) A description of any threats made by the child against the other person before, during or after the incident in which the child injured or attempted to injure the person.

3. *If a court determines that a child who is currently enrolled in school unlawfully engaged in bullying or cyber-bullying, the court shall provide the information specified in subsection 4 to the school district in which the child is currently enrolled.*

4. *The information required to be provided pursuant to subsection 3 must include:*

- (a) The name of the child;*
- (b) The name of the person who was the subject of the bullying or cyber-bullying; and*
- (c) A description of any bullying or cyber-bullying committed by the child against the other person.*

5. *As used in this section:*

- (a) "Bullying" has the meaning ascribed to it in NRS 388.122.*
- (b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.*

Sec. 2. NRS 236.073 is hereby amended to read as follows:

236.073 1. The Governor shall annually proclaim the first week in October to be "Week of Respect."

2. The proclamation may call upon:

- (a) News media, educators and appropriate government offices to bring to the attention of the residents of Nevada factual information regarding bullying ~~[-]~~ and cyber-bullying, ~~[harassment and intimidation in schools,]~~ including, without limitation:

(1) Statistical information regarding the number of pupils who are bullied ~~[-]~~ or cyber-bullied ~~[-, harassed or intimidated in schools]~~ each year;

(2) The methods to identify and assist pupils who are at risk of bullying ~~[,] or cyber-bullying ; [harassment or intimidation,]~~ and

(3) The methods to prevent bullying ~~[,]~~ and cyber-bullying ~~; ~~[harassment and intimidation in schools,]~~~~ and

(b) School districts to provide instruction on the ways in which pupils can prevent bullying ~~[,]~~ and cyber-bullying ~~[harassment and intimidation]~~ during the Week of Respect and throughout the school year that is appropriate for the grade level of pupils who receive the instruction.

3. As used in this section:

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

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

~~[(c) "Harassment" has the meaning ascribed to it in NRS 388.125.~~

~~[(d) "Intimidation" has the meaning ascribed to it in NRS 388.129.]~~

Sec. 3. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(1) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers,

including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

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

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

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

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(dd) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of

subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ff) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(hh) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ii) The number of incidents resulting in suspension or expulsion for bullying ~~[,] or cyber-bullying, [harassment or intimidation,]~~ reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

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

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

(c) ~~["Harassment" has the meaning ascribed to it in NRS 388.125.~~

~~(d)~~ "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

~~{(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.~~

~~(f)~~ (d) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 4. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

- (2) Who are from major racial or ethnic groups, as defined by the State Board;
- (3) With disabilities;
- (4) Who are limited English proficient; and
- (5) Who are migratory children, as defined by the State Board;
- (b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);
- (c) The transiency rate of pupils;
- (d) The percentage of pupils who are habitual truants;
- (e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;
- (f) The number of incidents resulting in suspension or expulsion for:
 - (1) Violence to other pupils or to school personnel;
 - (2) Possession of a weapon;
 - (3) Distribution of a controlled substance;
 - (4) Possession or use of a controlled substance;
 - (5) Possession or use of alcohol; and
 - (6) Bullying ~~[-] or cyber-bullying ; [-, harassment or intimidation;]~~
- (g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;
- (h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;
- (i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;
- (j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;
- (k) The number and percentage of pupils who graduated from high school;
- (l) The number and percentage of pupils who received a:
 - (1) Standard diploma;
 - (2) Adult diploma;
 - (3) Adjusted diploma; and
 - (4) Certificate of attendance;
- (m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;
- (n) Per pupil expenditures;
- (o) Information on the professional qualifications of teachers;
- (p) The average daily attendance of teachers and licensure information;
- (q) Information on the adequate yearly progress of the schools and school districts;
- (r) Pupil achievement based upon the:
 - (1) Examinations administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and

(2) High school proficiency examination administered pursuant to NRS 389.015; and

(s) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before October 20 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

6. As used in this section:

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

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

~~(c) "Harassment" has the meaning ascribed to it in NRS 388.125.~~

~~(d) "Intimidation" has the meaning ascribed to it in NRS 388.129.]~~

Sec. 5. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district.

The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information

required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

↪ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

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

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

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

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

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

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

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

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

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

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(y) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

(aa) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(ee) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(gg) The number of incidents resulting in suspension or expulsion for bullying ~~[] or cyber-bullying [] harassment or intimidation,~~ for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(hh) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

↪ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and

(5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

- (a) "Bullying" has the meaning ascribed to it in NRS 388.122.
- (b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.
- (c) ~~["Harassment" has the meaning ascribed to it in NRS 388.125.~~
- ~~(d)~~ "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

~~{(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.~~

~~(f)~~ (d) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 6. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.139, inclusive, unless the context otherwise requires, the words and terms defined in NRS 388.122 ~~to 388.129, inclusive,~~ , 388.123 and 388.124 have the meanings ascribed to them in those sections.

Sec. 7. NRS 388.122 is hereby amended to read as follows:

388.122 "Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not *otherwise* authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

1. Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

2. *Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;*

3. Places the person in reasonable fear of harm or serious emotional distress; or

~~{3-}~~ 4. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Sec. 8. NRS 388.132 is hereby amended to read as follows:

388.132 The Legislature declares that:

1. A learning environment that is safe and respectful is essential for the pupils enrolled in the public schools in this State to achieve academic success and meet this State's high academic standards;

2. Any form of bullying ~~{,}~~ or cyber-bullying ~~{, harassment or intimidation in public schools}~~ seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

3. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;

4. The intended goal of the Legislature is to ensure that:

(a) The public schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, characteristics and backgrounds can realize their full academic and personal potential;

(b) All administrators, principals, teachers and other personnel of the school districts and public schools in this State demonstrate appropriate behavior on the premises of any public school by treating other persons, including, without limitation, pupils, with civility and respect and by refusing to tolerate bullying ~~{,}~~ and cyber-bullying ; ~~{, harassment or intimidation,}~~ and

(c) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying ~~{,}~~ or violence ; ~~{, harassment or intimidation,}~~ and

5. By declaring its goal that the public schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils with differing beliefs be free from abuse . ~~{and harassment.}~~

Sec. 9. NRS 388.1325 is hereby amended to read as follows:

388.1325 1. The Bullying Prevention Fund is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants from any source for deposit into the Fund. The interest and income earned on the money in the Fund must be credited to the Fund.

2. In accordance with the regulations adopted by the State Board pursuant to NRS 388.1327, a school district that applies for and receives a

grant of money from the Bullying Prevention Fund shall use the money for one or more of the following purposes:

(a) The establishment of programs to create a school environment that is free from bullying ~~[,] and cyber-bullying ; [, harassment and intimidation,]~~

(b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.139, inclusive; or

(c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.139, inclusive.

Sec. 10. NRS 388.133 is hereby amended to read as follows:

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

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135; and

(b) A policy for use by school districts to train administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils without the use of bullying ~~[,] and cyber-bullying [, harassment and intimidation]~~ so that pupils may realize their full academic and personal potential;

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

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

Sec. 11. NRS 388.1341 is hereby amended to read as follows:

388.1341 1. The Department, in consultation with persons who possess knowledge and expertise in bullying ~~[,] and cyber-bullying, [, harassment and intimidation in public schools,]~~ shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in the public schools in this State in resolving incidents of bullying ~~[,] or cyber-bullying . [, harassment or intimidation,]~~ If developed, the pamphlet must include, without limitation:

(a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.139, inclusive;

(b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying ~~[.] and cyber-bullying ; [.] harassment or intimidation;~~ and

(c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

Sec. 12. NRS 388.1342 is hereby amended to read as follows:

388.1342 1. The Department, in consultation with persons who possess knowledge and expertise in bullying ~~[.] and cyber-bullying, [.] harassment and intimidation in public schools;~~ shall:

(a) Establish a program of training on methods to prevent, identify and report incidences of bullying ~~[.] and cyber-bullying [.] harassment and intimidation in public schools]~~ for members of the State Board.

(b) Recommend a program of training on methods to prevent, identify and report incidences of bullying ~~[.] and cyber-bullying [.] harassment and intimidation in public schools]~~ for members of the boards of trustees of school districts.

(c) Recommend a program of training for school district personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.139, inclusive.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying ~~[.] and cyber-bullying [.] harassment and intimidation in public schools]~~ established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. Each member of a board of trustees of a school district may complete the program of training on bullying ~~[.] and cyber-bullying [.] harassment and intimidation in public schools]~~ recommended pursuant to paragraph (b) of

subsection 1 and may undergo the training at least one additional time while the person is a member of the board of trustees.

4. Each program of training established and recommended pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

5. The board of trustees of a school district may allow school district personnel to attend the program recommended pursuant to paragraph (c) of subsection 1 during regular school hours.

6. The Department shall review each program of training established and recommended pursuant to subsection 1 on an annual basis to ensure that the program contains current information concerning the prevention of bullying ~~and cyber-bullying .~~ ~~harassment and intimidation.~~

Sec. 13. NRS 388.1343 is hereby amended to read as follows:

388.1343 The principal of each public school or his or her designee shall:

1. Establish a school safety team to develop, foster and maintain a school environment which is free from bullying ~~and cyber-bullying ;~~ ~~harassment and intimidation;~~

2. Conduct investigations of violations of NRS 388.135 occurring at the school; and

3. Collaborate with the board of trustees of the school district and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

Sec. 14. NRS 388.1344 is hereby amended to read as follows:

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

- (a) A school counselor;
 - (b) At least one teacher who teaches at the school;
 - (c) At least one parent or legal guardian of a pupil enrolled in the school;
- and

(d) Any other persons appointed by the principal.

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

3. The school safety team shall:

- (a) Meet at least two times each year;
- (b) Identify and address patterns of bullying ~~or cyber-bullying ;~~ ~~harassment or intimidation at the school;~~

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

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

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

Sec. 15. NRS 388.135 is hereby amended to read as follows:

388.135 A member of the board of trustees of a school district, any employee of the board of trustees, including, without limitation, an administrator, principal, teacher or other staff member, *a member of a club or organization which uses the facilities of any public school, regardless of whether the club or organization has any connection to the school*, or any pupil shall not engage in bullying ~~[,] or cyber-bullying [, harassment or intimidation] on or~~

~~1. On~~ the premises of any public school, at an activity sponsored by a public school or on any school bus ~~;~~ or

~~2. At any location that is not school related, if the bullying or cyber-bullying~~

~~(a) Causes physical or emotional harm to another person or damage to another person's property; and~~

~~(b) Creates an environment which is hostile to a pupil by interfering with the education of the pupil, or substantially disrupts the educational process or the orderly operation of a school.~~

Sec. 16. NRS 388.1353 is hereby amended to read as follows:

388.1353 1. On or before January 1 and June 30 of each year, the principal of each public school shall submit to the board of trustees of the school district a report on the violations of NRS 388.135 which are reported during the previous school semester. The report must include, without limitation:

(a) The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which are reported during that period; and

(b) Any actions taken at the school to reduce the number of incidences of bullying ~~[,] and cyber-bullying, [harassment and intimidation,]~~ including, without limitation, training that was offered or other policies, practices and programs that were implemented.

2. The board of trustees of each school district shall review and compile the reports submitted pursuant to subsection 1 and, on or before August 1, submit a compilation of the reports to the Department.

Sec. 17. NRS 388.139 is hereby amended to read as follows:

388.139 Each school district shall include the text of the provisions of NRS 388.121 to 388.139, inclusive, and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading "Bullying ~~[,] and Cyber-Bullying [, Harassment and Intimidation]~~ Is Prohibited in Public Schools," within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

Sec. 18. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 3, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English, including reading, composition and writing;
- (2) Mathematics;
- (3) Science;
- (4) Social studies, which includes only the subjects of history, geography, economics and government;
- (5) The arts;
- (6) Computer education and technology;
- (7) Health; and
- (8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

- (1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and
- (2) Methods to ensure the prevention of:
 - (I) Cyber-bullying;
 - (II) Plagiarism; and
 - (III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid ~~harassment,~~ cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying

unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

- (2) The necessity for secure passwords or other unique identifiers;
 - (3) The effects of a computer contaminant;
 - (4) Methods to identify unsolicited commercial material; and
 - (5) The dangers associated with social networking Internet sites; and
- (d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

4. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

5. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➡ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

6. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

7. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

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

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 19. NRS 388.125 and 388.129 are hereby repealed.

Sec. 20. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

388.125 "Harassment" defined. "Harassment" means a willful act which is written, verbal or physical, or a course of conduct that is not otherwise authorized by law, is highly offensive to a reasonable person and:

1. Is intended to cause or actually causes another person to suffer serious emotional distress;

2. Places a person in reasonable fear of harm or serious emotional distress; or

3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

388.129 "Intimidation" defined. "Intimidation" means a willful act which is written, verbal or physical, or a course of conduct that is not otherwise authorized by law, is highly offensive to a reasonable person and:

1. Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

2. Places a person in reasonable fear of harm or serious emotional distress; or

3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Senator Ford moved the adoption of the amendment.

Remarks by Senator Ford.

Thank you, Mr. President. Amendment No. 459 to Senate Bill No. 427 deletes the provision of the bill that would have applied school-related bullying provisions in the bill as a whole to locations that are not school related.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 447.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 460.

"SUMMARY—Makes various changes relating to education. (BDR 34-197)"

"AN ACT relating to education; revising provisions governing the Office of Parental Involvement and Family Engagement; revising provisions governing the budgets of the regional training programs for the professional development of teachers and administrators; authorizing certain unlicensed personnel to monitor a computer laboratory ~~for~~ without the direct supervision of licensed personnel; revising provisions governing the membership and duties of the Statewide Council for the Coordination of the Regional Training Programs; requiring a regional training program to provide certain training related to performance evaluations for administrators, teachers and other licensed educational personnel; revising provisions relating to the annual reporting requirement for the governing body of a regional training program; making various changes relating to attendance officers; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes and sets forth requirements for three regional training programs for the professional development of administrators, teachers and other licensed educational personnel. (NRS 391.500-391.556) ~~[Sections 3 and 6 of this bill revise the manner in which the budgets of the~~

~~regional training programs are submitted, approved and revised.] Existing law also creates the Statewide Council for the Coordination of the Regional Training Programs. (NRS 391.516) Section 5.3 of this bill revises the current membership of the Statewide Council to consist of the Superintendent of Public Instruction or a designee and eight members appointed by the Majority Leader of the Senate, the Speaker of the Assembly, the Governor and the governing body of each regional training program. Section 6 of this bill requires the governing body of each regional training program to submit a proposed biennial budget for the regional training program to the Statewide Council for its approval. Section 6 further provides that the biennial budget for each regional training program, as approved, must be included in the biennial budget of the Department of Education. Section 3 of this bill requires that if the governing body of a regional training program seeks to make revisions to its budget for the remainder of a fiscal year, it must submit its request for the proposed revisions, in the format prescribed by the Superintendent of Public Instruction, to the Statewide Council for its approval or disapproval.~~

~~Existing law creates the Office of Parental Involvement and Family Engagement and requires the Office to work in cooperation with the Statewide Council to establish a statewide training program for teachers and administrators concerning effective parental involvement and family engagement. (NRS 385.635, 391.520) Sections 2.5 and 5.5 of this bill require the Statewide Council to coordinate with the Office in carrying out all the duties of the Office.~~

Section 7 of this bill requires a regional training program to provide: (1) training for certain administrators relating to the manner in which evaluations of teachers and other licensed educational personnel are conducted; and (2) training for teachers, administrators and other licensed educational personnel relating to correcting deficiencies and addressing recommendations for improvement in performance that are identified in performance evaluations.

Existing law requires ~~for~~ the governing body of each regional training program to submit an annual report to the State Board of Education, the Commission on Professional Standards in Education, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation. (NRS 391.552) Section 8 of this bill requires the governing body to submit the annual report to the Statewide Council before submission to the other entities and to incorporate any revisions recommended by the Statewide Council into the annual report. Section 8 also revises the required content of the annual report to include the number of teachers, administrators and other licensed educational personnel who received certain training through the regional training program in the immediately preceding year. Section 6.5 of this bill provides for the review of the 5-year plan for the regional training program by the Statewide Council and for the incorporation of Council's recommended revisions to the plan.

Existing law requires the unlicensed personnel of a school district to be directly supervised by licensed personnel in all duties which are instructional in nature. (NRS 391.273) Section 4 of this bill ~~authorizes~~ makes an exception to this requirement by authorizing certain paraprofessionals and teacher's aides to monitor a computer laboratory without being directly supervised by licensed personnel.

Existing law authorizes the board of trustees of a school district to appoint an attendance officer for the school district. (NRS 392.150) Existing law also provides that under certain circumstances a school police officer or law enforcement agency may investigate a pupil for truancy and prepare a citation directing any pupil who appears to be a habitual truant to appear in juvenile court. (NRS 392.149) Sections 9-11 of this bill authorize an attendance officer to also conduct such investigations and prepare such citations.

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

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each

charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(I) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including,

without limitation, each charter school in the district, and for this State as a whole.

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

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

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(dd) The number of habitual truants who are reported to *an attendance officer*, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ff) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(hh) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ii) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each

school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

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

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

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without

limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information

required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

↪ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

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

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

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

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

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

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

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

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

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

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(y) The number of habitual truants who are reported to *an attendance officer*, a school police officer or a law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

(aa) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(ee) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(gg) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(hh) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

↪ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and

(5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

- (a) "Bullying" has the meaning ascribed to it in NRS 388.122.
- (b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.
- (c) "Harassment" has the meaning ascribed to it in NRS 388.125.
- (d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).
- (e) "Intimidation" has the meaning ascribed to it in NRS 388.129.
- (f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2.5. NRS 385.635 is hereby amended to read as follows:

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

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

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

(c) Work in cooperation with the Statewide Council for the Coordination of the Regional Training Programs ~~[to establish]~~ in carrying out the duties of the Office, including, without limitation, the establishment of a statewide training program concerning parental involvement and family engagement required pursuant to NRS 391.520.

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

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

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

(3) Family literacy training;

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

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

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

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

(g) Work in cooperation with the Commission on Professional Standards in Education in developing the regulations required by paragraph (k) of subsection 1 of NRS 391.019 and monitoring the implementation of those regulations.

(h) Establish, in collaboration with the State Board, guidelines to assist parents and families in helping their children achieve the standards of content and performance adopted by the State Board pursuant to NRS 389.520.

(i) Collaborate with the Nevada State Parent Information and Resource Center, the Parent Training and Information Centers, the Nevada Parent Teacher Association, the Advisory Council and the teachers who are trained

to serve as liaisons to parents and legal guardians of pupils enrolled in public schools to plan and implement a statewide summit on parental involvement and family engagement, which must be held at least biennially. After each summit, the Office of Parental Involvement and Family Engagement shall evaluate the success of the summit in consultation with the entities identified in this paragraph.

(j) Assist each school district and the public schools within the school district with incorporating strategies and practices for effective parental involvement and family engagement into the plans to improve the achievement of pupils prepared by the public schools pursuant to NRS 385.357.

(k) Work in partnership with the Advisory Council to:

(1) Review and evaluate the annual reports of accountability prepared by the board of trustees of each school district pursuant to NRS 385.347 relating to parental involvement and family engagement in the school districts and public schools;

(2) Review and evaluate the plans to improve the achievement of pupils prepared by each public school pursuant to NRS 385.357 relating to the strategies and practices for effective parental involvement and family engagement incorporated into the plans; and

(3) Review the status of the implementation of the provisions of this section and the effectiveness of the Office in carrying out the duties prescribed in this section.

2. On or before August 1 of each year, the Office of Parental Involvement and Family Engagement shall prepare a report which includes a summary of the:

(a) Status of the progress made by the school districts and public schools in effectively involving parents and engaging families in the education of their children and an identification of any areas where further improvement is needed; and

(b) Activities of the Office during the immediately preceding school year, including the progress made by the Office, in consultation with the Advisory Council, in assisting the school districts and public schools with increasing the effectiveness of involving parents and engaging families in the education of their children.

3. The Department shall post on its Internet website:

(a) The list of practices developed by the Office of Parental Involvement and Family Engagement pursuant to paragraph (b) of subsection 1;

(b) The report prepared by the Office pursuant to subsection 2; and

(c) Any other information that the Office finds useful for the school districts, public schools, parents, families and general public relating to effective parental involvement and family engagement.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the governing body of a regional training program determines that a revision of the budget for the program is necessary because of changed conditions, the governing body may submit a request for a budget revision for the remainder of a fiscal year to the ~~Superintendent of Public Instruction~~ Statewide Council.

2. Every request for a budget revision must be submitted to the ~~Superintendent of Public Instruction~~ Statewide Council in the form and with such supporting information as the Superintendent of Public Instruction prescribes.

3. The ~~Superintendent of Public Instruction~~ Statewide Council shall approve or disapprove the request for a budget revision in writing. The ~~Superintendent~~ Statewide Council may approve the request if the ~~Superintendent~~ Statewide Council determines the budget revision is necessary because of changed conditions.

4. If the ~~Superintendent of Public Instruction~~ Statewide Council approves the request for a budget revision, the ~~Superintendent~~ Statewide Council shall determine whether a request for a revision of a work program pursuant to NRS 353.220 is necessary. If the request for a revision of a work program pursuant to NRS 353.220 is necessary, the procedures set forth in NRS 353.220 must be complied with before the governing body of the regional training program may implement the budget revision.

Sec. 4. NRS 391.273 is hereby amended to read as follows:

391.273 1. Except as otherwise provided in subsections 4, ~~and~~ 10 and 11 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 must be under administrative supervision when performing 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 5, upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1. The Superintendent shall not grant an exemption 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.

5. The exemption authorized by subsection 4 does not apply to a paraprofessional if the provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto require the paraprofessional to be directly supervised by a licensed teacher.

6. 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.

7. 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.

8. 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.

9. If the Superintendent of Public Instruction determines that the board of trustees of a school district has violated the provisions of subsection 8, the Superintendent shall take such actions as are necessary to reduce the amount of money received by the district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:

(a) The number of days on which the violation occurred;

(b) The number of pupils in the classroom taught by the teacher's aide; and

(c) The number of dollars of basic support apportioned to the district per pupil per day pursuant to NRS 387.1233.

10. *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 provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto require the paraprofessional to be directly supervised by a licensed teacher.*

11. 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 provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto.

Sec. 5. NRS 391.500 is hereby amended to read as follows:

391.500 As used in NRS 391.500 to 391.556, inclusive, *and section 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 391.504 and 391.508 have the meanings ascribed to them in those sections.

Sec. 5.3. NRS 391.516 is hereby amended to read as follows:

391.516 1. The Statewide Council for the Coordination of the Regional Training Programs, consisting of ~~eight~~ nine members, is hereby created. The membership of the Council consists of:

(a) ~~[Each coordinator hired by the governing body of each regional training program pursuant to NRS 391.532.]~~ The Superintendent of Public Instruction or his or her designee.

(b) ~~One member [of the governing body of each regional training program, appointed by the governing body. The member appointed pursuant to this paragraph may appoint a designee to serve in his or her place.], who is not a Legislator, appointed by the Majority Leader of the Senate.~~

(c) One member, who is not a Legislator, appointed by the Speaker of the Assembly.

(d) ~~One [representative of] member who is a teacher appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. [appointed by the President of that Association.]~~

~~(d) The Director of the Office of Parental Involvement and Family Engagement appointed pursuant to NRS 385.630, who serves ex officio.]~~

(e) One member who is an administrator at a public school employed to provide administrative services at the school level and not to provide administrative services at the district level, appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators.

(f) One member appointed by the Governor.

(g) Three members, each of whom is a superintendent of schools, or his or her designee, appointed by the governing body of each regional training program to represent the school districts served by the regional training program.

2. ~~[Each coordinator who serves on the Statewide Council is a member of the Statewide Council only for the period of his or her service as coordinator of the regional training program pursuant to NRS 391.532.]~~ In making the appointments pursuant to paragraphs (b) to (g), inclusive, of subsection 1, the appointing authorities shall consider whether the appointments provide a geographical balance between urban and rural areas of this State and represent the cultural diversity of this State.

3. ~~[Each member appointed by the governing body pursuant to paragraph (b) of subsection 1 and the member appointed pursuant to paragraph (c) of subsection 1]~~ The Statewide Council shall elect a Chair from among its members.

4. After the initial terms, the appointed members of the Statewide Council serve a term of 2 years.

~~4.]~~ , commencing on July 1 of the year of appointment. A member may not be appointed to serve more than 3 consecutive terms.

5. A vacancy on the Statewide Council must be filled for the remainder of the unexpired term in the same manner as the original appointment.

6. Members of the Statewide Council serve without salary for their service on the Council but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of the Statewide Council. ~~[For the members of the Statewide Council who are appointed pursuant to paragraphs (a) and (b) of subsection 1, the governing body of the regional training program represented by those members shall pay the per diem allowance and travel expenses. For the member of the Statewide Council who is appointed pursuant to paragraph (c) of subsection 1, the Nevada State Education Association shall pay the per diem allowance and travel expenses. The Department shall pay the per diem allowance and travel expenses for the Director of the Office of Parental Involvement and Family Engagement.~~

~~5.]~~ The per diem allowance and travel expenses for:

(a) The members who are appointed by the Majority Leader of the Senate and the Speaker of the Assembly must be paid from the Legislative Fund.

(b) All other members must be paid by the Department.

7. The Department shall provide administrative support to the Statewide Council.

8. The governing bodies of the regional training programs may mutually agree to expend a portion of their respective budgets to pay for ~~the~~ any administrative support of the Statewide Council ~~that is required in addition to that provided pursuant to subsection 7.~~

Sec. 5.5. NRS 391.520 is hereby amended to read as follows:

391.520 1. The Statewide Council shall meet not less than four times per year.

2. The Statewide Council shall:

(a) Adopt uniform standards for use by the governing body of each regional training program in the review and approval by the governing body of the training to be provided by the regional training program pursuant to NRS 391.540 and 391.544. The standards must ensure that the training provided by the regional training programs includes activities set forth in 20 U.S.C. § 7801(34), as appropriate for the type of training offered, is of

high quality and is effective in addressing the training programs specified in subsection 1 of NRS 391.544.

(b) In cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630, establish a statewide program for teachers and administrators concerning effective parental involvement and family engagement which includes:

(1) Training for teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

(c) Coordinate the dissemination of information to school districts, administrators and teachers concerning the training, programs and services provided by the regional training programs.

(d) Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.

(e) Conduct long-range planning concerning the professional development needs of teachers and administrators employed in this state.

(f) Adopt uniform procedures *and criteria* for use by the governing body of each regional training program to report the evaluation conducted pursuant to NRS 391.552.

(g) Review and recommend any necessary revisions to the 5-year plan prepared by the governing body of each regional training program pursuant to NRS 391.540.

(h) Review and recommend any necessary revisions to the annual report prepared by the governing body of each regional training program pursuant to NRS 391.552.

(i) Ensure that the governing body of each regional training program considers the plans to improve the achievement of pupils prepared pursuant to NRS 385.357 for the public schools within the primary jurisdiction of the regional training program and the plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691 and is guided by those plans in the provision of professional development for teachers and administrators.

(j) Coordinate with the Office of Parental Involvement and Family Engagement in carrying out the duties of the Office.

3. The Statewide Council may:

(a) Accept gifts and grants from any source for use by the Statewide Council in carrying out its duties pursuant to this section and accept gifts and grants from any source on behalf of one or more regional training programs to assist with the training provided pursuant to NRS 391.544; and

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist the Statewide Council in carrying out its

duties pursuant to this section and comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391.544, including, without limitation, providing money from the budget of the Statewide Council to match the money received from a federal grant.

Sec. 5.7. NRS 391.532 is hereby amended to read as follows:

391.532 1. The governing body of each regional training program shall:

(a) Employ or otherwise contract with a coordinator of the program, who serves at the pleasure of the governing body.

(b) Set the salary or other compensation of the coordinator.

2. The coordinator of each regional training program shall:

(a) ~~Serve on the Statewide Council;~~

~~(b)~~ Assist in the evaluation of the regional training program, as directed by the governing body; and

~~(c)~~ (b) Perform such other duties as directed by the governing body.

Sec. 6. NRS 391.536 is hereby amended to read as follows:

391.536 1. On ~~[an annual basis,] or before the deadline prescribed by the [Superintendent of Public Instruction,]~~ Statewide Council, the governing body of each regional training program shall ~~[review the budget for the program and]~~ submit a proposed *biennial budget for the regional training program* to the ~~[Legislative Committee on Education,]~~ [Superintendent,] Statewide Council.

2. The proposed *biennial budget of the regional training program* must be in the form prescribed by the Superintendent of Public Instruction and include, without limitation, the amount of money requested by the governing body to pay for the salary or other compensation of the coordinator of the program hired pursuant to NRS 391.532. ~~[In even numbered years, the proposed budget must be submitted to the Legislative Committee on Education at least 4 months before the commencement of the next regular session of the Legislature.]~~

~~2.]~~ 3. ~~[The Superintendent of Public Instruction shall transmit the proposed biennial budget of each regional training program to the State Board for review.]~~ The ~~[State Board]~~ Statewide Council may deny any portion of a proposed biennial budget submitted by a regional training program. If the ~~[State Board]~~ Statewide Council denies any portion of a proposed biennial budget, the ~~[State Board]~~ Statewide Council shall provide a written report that describes the reasons for the denial to the governing body of the regional training program that submitted the proposed biennial budget, and the governing body of the regional training program may revise the proposed biennial budget and resubmit the revised proposed biennial budget to the ~~[State Board]~~ Statewide Council for review. If the ~~[State Board again]~~ Statewide Council denies any portion of the revised proposed biennial budget, the ~~[State Board]~~ Statewide Council shall submit a copy of the written report describing the reasons for the denial to:

(a) The governing body of the regional training program that submitted the revised proposed biennial budget;

(b) ~~The Governor,~~ fiscal agent for the regional training program;

(c) The Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature; and

(d) The Legislative Committee on Education, ~~for and~~

~~(e) The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.~~

4. The proposed biennial budget of each regional training program, or the parts thereof, that was approved by the ~~(State Board)~~ Statewide Council pursuant to subsection 3 must be included in the biennial budget of the Department. Any portion of the approved biennial budget of a regional training program that exceeds the budget for the regional training program in the immediately preceding biennium must be included in the biennial budget of the Department as a separate line item.

5. The governing body of a regional training program may:

(a) Accept gifts and grants from any source to assist the governing body in providing the training required by NRS 391.544.

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391.544, including, without limitation, providing money from the budget of the governing body to match the money received from a federal grant.

Sec. 6.5. NRS 391.540 is hereby amended to read as follows:

391.540 1. The governing body of each regional training program shall:

(a) Adopt a training model, taking into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.

(b) Assess the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district may submit recommendations to the appropriate governing body for the types of training that should be offered by the regional training program.

(c) In making the assessment required by paragraph (b) and as deemed necessary by the governing body, review the:

(1) Plans to improve the achievement of pupils prepared pursuant to NRS 385.357;

(2) Turnaround plans for schools implemented pursuant to NRS 385.37603; and

(3) Plans for restructuring schools implemented pursuant to NRS 385.37607,

↪ for individual schools within the primary jurisdiction of the regional training program.

(d) Prepare a 5-year plan for the regional training program ~~for~~ for review by the Statewide Council, which includes, without limitation:

(1) An assessment of the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program; and

(2) Specific details of the training that will be offered by the regional training program for the first 2 years covered by the plan ~~for~~ including, without limitation, the biennial budget of the regional training program for those 2 years.

↪ The governing body shall incorporate into the 5-year plan any revisions recommended by the Statewide Council.

(e) Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts within the primary jurisdiction of the regional training program.

2. The Department, the Nevada System of Higher Education and the board of trustees of a school district may request the governing body of the regional training program that serves the school district to provide training, participate in a program or otherwise perform a service that is in addition to the duties of the regional training program that are set forth in the plan adopted pursuant to this section or otherwise required by statute. An entity may not represent that a regional training program will perform certain duties or otherwise obligate the regional training program as part of an application by that entity for a grant unless the entity has first obtained the written confirmation of the governing body of the regional training program to perform those duties or obligations. The governing body of a regional training program may, but is not required to, grant a request pursuant to this subsection.

Sec. 7. NRS 391.544 is hereby amended to read as follows:

391.544 1. Based upon the assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to NRS 391.540, each regional training program ~~must~~ shall provide:

(a) Training for teachers and other licensed educational personnel in the:

(1) Standards established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(2) Curriculum and instruction required for the common core state standards adopted by the State Board;

(3) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and

(4) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach

kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

- (1) Phonemic awareness;
- (2) Phonics;
- (3) Vocabulary;
- (4) Fluency;
- (5) Comprehension; and
- (6) Motivation.

(c) *Training for administrators who conduct the evaluations required pursuant to NRS 391.3125 and 391.3127 relating to the manner in which such evaluations are conducted. Such training must be developed in consultation with the Teachers and Leaders Council of Nevada created by NRS 391.455.*

(d) *Training for teachers, administrators and other licensed educational personnel relating to correcting deficiencies and addressing recommendations for improvement in performance that are identified in the evaluations conducted pursuant to NRS 391.3125 or 391.3127.*

(e) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b), ~~of subsection 1,~~ training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

~~((d))~~ (f) In accordance with the program established by the Statewide Council pursuant to paragraph (b) of subsection 2 of NRS 391.520 training for:

(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are limited English proficient.

3. The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

↪ The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391.512 to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

Sec. 8. NRS 391.552 is hereby amended to read as follows:

391.552 The governing body of each regional training program shall:

1. Establish a method for the evaluation of the success of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program. The method must be consistent with the uniform procedures and criteria adopted by the Statewide Council pursuant to NRS 391.520.

2. Before submitting the annual report pursuant to subsection 3, submit the annual report to the Statewide Council for its review and incorporate into the annual report any revisions recommended by the Statewide Council.

3. On or before September 1 of each year, submit an annual report to the State Board, the Commission, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes:

(a) The priorities for training adopted by the governing body pursuant to NRS 391.540.

(b) The type of training offered through the *regional training* program in the immediately preceding year.

(c) The number of teachers and administrators who received training through the *regional training* program in the immediately preceding year.

(d) *The number of administrators who received training pursuant to paragraph (c) of subsection 1 of NRS 391.544 in the immediately preceding year.*

(e) *The number of teachers, administrators and other licensed educational personnel who received training pursuant to paragraph (d) of subsection 1 of NRS 391.544 in the immediately preceding year.*

(f) *The number of teachers who received training pursuant to subparagraph (1) of paragraph (f) of subsection 1 of NRS 391.544 in the immediately preceding year.*

(g) The number of paraprofessionals, if any, who received training through the *regional training* program in the immediately preceding year.

~~[(e)]~~ (h) An evaluation of the success of the *regional training* program, including, without limitation, the Nevada Early Literacy Intervention Program, in accordance with the method established pursuant to subsection 1.

~~[(f)]~~ (i) A description of the gifts and grants, if any, received by the governing body in the immediately preceding year and the gifts and grants, if any, received by the Statewide Council during the immediately preceding year on behalf of the regional training program. The description must include the manner in which the gifts and grants were expended.

~~[(g)]~~ (j) The 5-year plan for the *regional training* program prepared pursuant to NRS 391.540 and any revisions to the plan made by the governing body in the immediately preceding year.

Sec. 9. NRS 392.144 is hereby amended to read as follows:

392.144 1. If a pupil has one or more unapproved absences from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.

2. If a pupil is a habitual truant pursuant to NRS 392.140, the principal of the school shall:

(a) Report the pupil to *an attendance officer*, a school police officer or ~~to~~ the local law enforcement agency for investigation and issuance of a citation, if warranted, in accordance with NRS 392.149; or

(b) If the parent or legal guardian of a pupil has signed a written consent pursuant to subsection 4, submit a written referral of the pupil to the advisory board to review school attendance in the county in accordance with NRS 392.146.

3. The board of trustees of each school district shall adopt criteria to determine whether the principal of a school shall report a pupil to *an attendance officer*, a school police officer or *the* law enforcement agency pursuant to paragraph (a) of subsection 2 or refer a pupil to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2.

4. If the principal of a school makes an initial determination to submit a written referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian of the pupil and request the parent or legal guardian to sign a written consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to NRS 392.146 and 392.147. The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall report the pupil to *an attendance officer*, a school police officer or ~~to a~~ the local law enforcement agency pursuant to paragraph (a) of subsection 2.

Sec. 10. NRS 392.147 is hereby amended to read as follows:

392.147 1. If an advisory board to review school attendance receives a written referral of a pupil pursuant to NRS 392.146, the advisory board shall set a date, time and place for a hearing. The pupil and the pupil's parents or legal guardian shall attend the hearing held by the advisory board. The hearing must be closed to the public. The chair of an advisory board to review school attendance may request that subpoenas for a hearing conducted pursuant to this section be issued to:

(a) The parent or legal guardian of a pupil who has been referred to the advisory board or any other person that the advisory board considers necessary to the hearing.

(b) A pupil who has been referred to the advisory board.

2. If a pupil and the pupil's parents or legal guardian do not attend the hearing, the chair of the advisory board shall report the pupil to *an attendance officer*, a school police officer or ~~to~~ the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149.

3. If an advisory board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services available in the community, the advisory board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such programs and services, the chair of the advisory board shall report the pupil to *an attendance officer*, a school police officer or ~~to~~ the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149. If the pupil agrees to participate in such programs and services, the advisory board, the pupil and the parents or legal guardian of the pupil shall enter into a written agreement that:

(a) Sets forth the findings of the advisory board;

(b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the advisory board; and

(c) Adequately informs the pupil and the pupil's parents or legal guardian that if the pupil or his or her parents or legal guardian do not comply with the

terms of the written agreement, the chair of the advisory board is legally obligated to report the pupil to *an attendance officer*, a school police officer or ~~{to}~~ the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149.

➡ The parents or legal guardian of the pupil shall, upon the request of the advisory board, provide proof satisfactory to the advisory board that the pupil is participating in the programs and services set forth in the written agreement.

4. The chair of an advisory board to review school attendance shall report a pupil to *an attendance officer*, a school police officer or ~~{to}~~ the appropriate local law enforcement agency if:

(a) The pupil and the pupil's parents or legal guardian fail to attend a hearing set by the advisory board pursuant to subsection 1;

(b) The advisory board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;

(c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or

(d) The pupil or the pupil's parents or legal guardian violates the terms of the written agreement entered into pursuant to subsection 3.

5. If the chair of an advisory board makes such a report to *an attendance officer*, a school police officer or *the* local law enforcement agency, the chair shall:

(a) Submit to the *attendance officer*, school police officer or law enforcement agency, as applicable, written documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations to the *attendance officer*, school police officer or law enforcement agency, as applicable, regarding the appropriate disposition of the case.

6. If the parents or legal guardian of a pupil enter into a written agreement pursuant to this section, the parents or legal guardian may appeal to the board of trustees of the school district a determination made by the advisory board concerning the contents of the written agreement. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

7. The board of trustees of each school district shall adopt policies and rules to protect the confidentiality of the deliberations, findings and determinations made by an advisory board and information concerning a pupil and the family of a pupil. An advisory board shall not disclose information concerning the records of a pupil or services provided to a pupil or the pupil's family unless the disclosure is specifically authorized by statute or by the policies and rules of the board of trustees and is necessary for the advisory board to carry out its duties.

Sec. 11. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the *attendance officer*, school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

- (a) The local law enforcement agency;
- (b) A school police officer employed by the board of trustees of the school district; or
- (c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. The provisions of this section apply to all pupils who are required to attend school pursuant to NRS 392.040.

Sec. 11.5. 1. The terms of the members of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516 who are incumbent on June 30, 2013, expire on that date.

2. On or before July 1, 2013, appointments must be made to the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, as amended by section 5.3 of this act, for terms commencing on July 1, 2013, as follows:

(a) The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint a member pursuant to paragraphs (b) and (c), respectively, of subsection 1 of NRS 391.516, as amended by section 5.3 of this act, to a term of 2 years.

(b) The Governor shall appoint the members pursuant to:

(1) Paragraphs (d) and (f) of subsection 1 of NRS 391.516, as amended by section 5.3 of this act, to a term of 2 years; and

(2) Paragraph (e) of subsection 1 of NRS 391.516, as amended by section 5.3 of this act, to a term of 1 year.

(c) The governing body of each regional training program for the professional development of teachers and administrators shall each appoint a member pursuant to paragraph (g) of subsection 1 of NRS 391.516, as amended by section 5.3 of this act, to a term of 1 year.

Sec. 12. 1. This section and section 11.5 of this act become effective upon passage and approval.

2. Sections 1 to 11, inclusive, of this act ~~(becomes)~~ become effective on July 1, 2013.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Thank you, Mr. President. Amendment No. 460 makes several changes to Senate Bill No. 447. First, it revises the membership of the existing Statewide Coordinating Council for the

Regional Training Programs to include the Superintendent of Public Instruction or his or her designee, one member each appointed by the Governor, the Speaker of the Assembly, and the Senate Majority Leader; plus a teacher and a school administrator appointed by the Governor from a list submitted by the respective State organizations; and one school district superintendent or his or her designee from each regional training program. Members may not serve more than three two-year terms. Appointing authorities must consider the State's cultural diversity and geographic balance.

Second, the Department of Education is designated to provide administrative support for the Council. Third, in addition to duties already in statute, the Council will recommend the biennial budget for the Regional Training Programs, review and make reports, coordinate with the Office of Parental Involvement and Family Engagement and ensure coordination between district professional development needs and improvement plans. Fourth, the amendment provides that the Regional Training Programs budget process be handled by the Statewide Council instead of the Superintendent of Public Instruction, as originally specified in the bill.

Finally, the amendment requires each Regional Training Programs to submit a five-year plan and biennial budget request to the Statewide Council for its review. Annual reports by the Regional Training Programs that are already specified in law must first be submitted to the Statewide Council for their review and revision prior to being submitted to the State Board of Education, the Legislative Committee on Education and others.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 467.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 461.

"SUMMARY—Revises provisions relating to education. (BDR 34-1130)"

"AN ACT relating to education; requiring the Superintendent of Public Instruction to establish the Education Advisory Council ~~by abolishing the Commission on Professional Standards in Education; transferring the powers and duties of the Commission on Professional Standards in Education to the Superintendent;~~ and prescribing the membership and duties of the Advisory Council; removing the requirement for certain approval of expenditures from the Education Gift Fund; revising provisions governing the qualifications for the Office of Superintendent of Public Instruction and other authorized business pursuits by the Superintendent; revising provisions relating to the payment of the expenses of holding certain conferences; revising provisions relating to deputies within the Department of Education; transferring certain duties from the Superintendent and his or her deputies to the Department of Education; revising provisions governing the Account for Programs for Innovation and the Prevention of Remediation; abolishing the Commission on Educational Excellence; ~~abolishing the Council to Establish Academic Standards for Public Schools; transferring the duties of the Council to Establish Academic Standards for Public Schools to the Department of Education; abolishing the Statewide Council for the Coordination of the Regional Training Programs and the governing body of each regional training program; transferring the powers and duties of the Council for the Coordination of the Regional Training Programs and governing bodies~~

~~concerning the regional training programs to the Department; abolishing the Commission on Educational Technology; transferring certain duties of the Commission on Educational Technology to the Superintendent; revising the qualifications and duties of the Superintendent; revising provisions relating to deputy superintendents;]~~ revising the date by which school districts and charter schools are required to submit annual budgetary reports; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Sections 2-4 of this bill require the Superintendent of Public Instruction to establish the Education Advisory Council to advise the Superintendent of Public Instruction.~~]~~

~~Existing law creates the Council to Establish Academic Standards for Public Schools. (NRS 389.510) This bill abolishes the Council to Establish Academic Standards for Public Schools, and sections 7, 26, 29, 31, 32, 43, 63 and 64 of this bill transfer the powers and duties of the Council to the Department of Education.~~

~~Existing law establishes the Commission on Professional Standards in Education. (NRS 391.011) This bill abolishes the Commission on Professional Standards in Education, and sections 20 and 34, 42 and 44, 53 of this bill transfer the powers and duties of the Commission to the Superintendent of Public Instruction. Additionally, this bill abolishes the Commission on Educational Excellence and the Commission on Educational Technology and transfers certain duties of the Commission on Educational Technology to the Superintendent of Public Instruction.~~

~~Existing law creates three regional training programs for the professional development of teachers and administrators and designates each of the 17 county school districts within the jurisdiction of one of the regional training programs. (NRS 391.500-391.556) Existing law also creates: (1) the Statewide Council for the Coordination of the Regional Training Programs; and (2) a governing body of each regional training program. This bill abolishes the Statewide Council and each governing body, and sections 20 and 55-62 of this bill transfer their powers and duties concerning the regional training programs to the Department.] and prescribe the membership and duties of the Advisory Council.~~

Section 6 of this bill removes the requirement that any expenditure from the Education Gift Fund be approved by the Legislature or the Interim Finance Committee.

Section 8 of this bill revises the qualifications for the Office of the Superintendent of Public Instruction.~~]~~ ~~Sections 14 and 17 of this bill revise certain provisions relating to deputy superintendents appointed by the Superintendent.] to remove the requirement that the Superintendent hold a master's degree in the field of education or school administration.~~

Section 9 of this bill transfers the authority to approve the pursuit by the Superintendent of Public Instruction of any other business or occupation or

holding any other office of profit from the State Board of Education to the Governor, who appoints the Superintendent.

Section 10 of this bill removes the requirement under existing law that the expenses of holding teachers' and administrators' conferences be paid from the State Distributive School Account in the State General Fund, not to exceed \$8,400 in any biennium.

Existing law authorizes the Superintendent of Public Instruction to appoint a Deputy Superintendent of Instructional, Research and Evaluative Services and a Deputy Superintendent for Administrative and Fiscal Services and prescribes the qualifications and duties of each of those Deputies. (NRS 385.290-385.320) Sections 14 and 67 of this bill remove these designated deputies, and instead section 14 authorizes the Superintendent of Public Instruction to appoint such deputy superintendents as the execution of the Superintendent's duties may require. Sections 11-13, 15 and 16 of this bill transfer certain duties of the Superintendent of Public Instruction and his or her deputies to the Department [] of Education.

Existing law creates the Commission on Educational Excellence and authorizes the Commission to make allocations from the Account for Programs for Innovation and the Prevention of Remediation to public schools and consortiums of public schools whose applications are approved by the Commission for programs to improve pupil achievement or innovative programs, or both. (NRS 385.3781-385.379) Section 67 abolishes the Commission, and section 18.5 of this bill revises the purpose for which the money in the Account may be used to allow its use only for public schools and public education, as authorized by the Legislature.

Sections 21 and 22 of this bill impose an earlier deadline by which the board of trustees of each school district and the governing body of each charter school, respectively, are required to submit an annual report of their budgets to the Superintendent of Public Instruction and other specified recipients.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in sections 2, 3 and 4 of this act, unless the context otherwise requires, "Education Advisory Council" means the Education Advisory Council established pursuant to section 3 of this act.*

Sec. 3. 1. *The Superintendent of Public Instruction shall establish an Education Advisory Council. The Education Advisory Council is composed of the following voting members:*

(a) One member appointed by the Superintendent from among the members of the Advisory Council on Parental Involvement and Family Engagement established pursuant to NRS 385.610;

(b) The Chair of the Teachers and Leaders Council of Nevada created by NRS 391.455;

(c) *The Chair of the State Public Charter School Authority;*

(d) *One member appointed by the Superintendent who is an administrator or teacher in a public school or a representative of public libraries or the Nevada System of Higher Education and who possesses knowledge of and experience in the use of educational technology in public schools;*

(e) *One member appointed by the Superintendent who is an administrator or teacher in a public school who possesses knowledge of and experience in the education of pupils with disabilities; and*

(f) *One member appointed by the Superintendent who is an administrator or teacher in a Title I school, as that term is defined in NRS 385.3467.*

2. *In addition to the voting members described in subsection 1, the Superintendent of Public Instruction may appoint as nonvoting members of the Education Advisory Council any persons who the Superintendent determines have an interest in the success of pupils who are culturally, ethnically and linguistically diverse.*

3. *The Education Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair each serve a term of 1 year.*

4. *The Education Advisory Council shall meet at least once each calendar quarter and at the call of the Superintendent of Public Instruction.*

5. *A majority of the voting members of the Education Advisory Council constitutes a quorum for the transaction of all business of the Education Advisory Council.*

6. *The Department shall provide:*

(a) *Administrative support to the Education Advisory Council; and*

(b) *All information that is necessary for the Education Advisory Council to carry out its duties.*

7. *Each member of the Education Advisory Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Education Advisory Council or is otherwise engaged in the business of the Education Advisory Council. The per diem allowance and travel expenses for the members of the Education Advisory Council must be paid by the Department.*

Sec. 4. 1. *The Education Advisory Council shall advise the Superintendent of Public Instruction on such matters as the Superintendent may require. The Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of the Education Advisory Council are carried out by the Education Advisory Council successfully.*

2. *On or before December 31 of each year, the Superintendent of Public Instruction shall submit a written report to the State Board describing the activities of the Education Advisory Council.*

Sec. 5. ~~[NRS 385.014 is hereby amended to read as follows:~~

~~385.014 When required, the Attorney General shall give an opinion in writing and without fee to the State Board [.] and the Superintendent of~~

~~Public Instruction [and the Commission on Professional Standards in Education] on matters relating to the powers and duties of the Department.]~~
(Deleted by amendment.)

Sec. 6. NRS 385.095 is hereby amended to read as follows:

385.095 Except as otherwise provided in NRS 385.091:

1. All gifts of money which the State Board is authorized to accept must be deposited in a special revenue fund in the State Treasury designated as the Education Gift Fund.

2. The money available in the Education Gift Fund must be used only for the purpose specified by the donor, within the scope of the State Board's powers and duties. ~~[, and no expenditure may be made until approved by the Legislature in an authorized expenditure act or by the Interim Finance Committee if the Legislature is not in session.]~~

3. If all or part of the money accepted by the State Board from a donor is not expended before the end of any fiscal year, the remaining balance of the amount donated must remain in the Education Gift Fund until needed for the purpose specified by the donor.

Sec. 7. ~~[NRS 385.110 is hereby amended to read as follows:~~

~~385.110 1. Except as otherwise provided in subsections 2 and 3, the State Board shall prescribe and cause to be enforced the courses of study for the public schools of this State. The courses of study prescribed and enforced by the State Board must comply with the standards of content and performance established by the [Council to Establish Academic Standards for Public Schools] Department pursuant to NRS 389.520.~~

~~2. For those courses of study prescribed by the State Board:~~

~~(a) High schools may have modified courses of study, subject to the approval of the State Board; and~~

~~(b) Any high school offering courses normally accredited as being beyond the level of the 12th grade shall, before offering such courses, have them approved by the State Board.~~

~~3. A charter school is not required to offer the courses of study prescribed by the State Board except for those courses of study which are required for promotion to the next grade or graduation from high school.]~~
(Deleted by amendment.)

Sec. 8. NRS 385.160 is hereby amended to read as follows:

385.160 To be eligible to the Office of Superintendent of Public Instruction, a person shall:

1. Have attained the age of 21 years at the time of his or her appointment; and

2. ~~[Hold a master's degree in the field of education or school administration; and~~

~~3.]~~ Possess the knowledge and ability to carry out the duties required by this title and all other statutes and regulations governing K-12 public education.

Sec. 9. NRS 385.170 is hereby amended to read as follows:

385.170 The Superintendent shall not pursue any other business or occupation or hold any other office of profit without the approval of the ~~[State Board of Education.]~~ *Governor*.

Sec. 10. NRS 385.190 is hereby amended to read as follows:

385.190 1. The Superintendent of Public Instruction or a staff member designated by the Superintendent shall:

(a) Convene teachers' conferences in the various sections of the State in such places and at such times as he or she deems advisable.

(b) Engage such conference lecturers and leaders as he or she deems advisable.

(c) Preside over and regulate the programs of all teachers' conferences.

2. No teachers' conference may continue more than 5 days.

3. The Superintendent of Public Instruction or the designated staff member shall convene, in such places and at such times as he or she may designate, conferences of school administrators.

~~[4. The expenses of holding teachers' and administrators' conferences must be paid from the State Distributive School Account in the State General Fund, but the amount must not exceed \$8,400 in any one biennium. The State Controller shall draw his or her warrants for such expenses upon the order of the Superintendent of Public Instruction.]~~

Sec. 11. NRS 385.210 is hereby amended to read as follows:

385.210 1. The ~~[Superintendent of Public Instruction]~~ *Department* shall prescribe a convenient form of school register for the purpose of securing accurate returns from the teachers of public schools.

2. The ~~[Superintendent]~~ *Department* shall prepare ~~[pamphlet]~~ copies of the codified statutes relating to schools and shall transmit a copy to each school, school trustee and other school officer in this State. If the State Board adopts regulations to carry out these codified statutes or if additions or amendments are made to these codified statutes, the ~~[Superintendent]~~ *Department* shall have the regulations, additions or amendments printed and transmitted immediately thereafter. Each ~~[pamphlet]~~ *copy* must be marked "State property—to be turned over to your successor in office." Each school shall maintain a copy ~~[of the pamphlet]~~ with any regulations, additions or amendments in the school library.

3. In addition to the requirements set forth in subsection 2, the ~~[Superintendent]~~ *Department* shall, to the extent practicable and not later than July 1 of each year, provide to the board of trustees of each school district and to the governing body of each charter school a memorandum that includes:

(a) A description of each statute newly enacted by the Legislature which affects the public schools in this State and the pupils who are enrolled in the public schools in this State. The memorandum may compile all the statutes into one document.

(b) A description of each bill, or portion of a bill, newly enacted by the Legislature that appropriates or authorizes money for public schools or for

employees of a school district or charter school, or both, or otherwise affects the money that is available for public schools or for employees of school districts or charter schools, or both, including, without limitation, each line item in a budget for such an appropriation or authorization. The memorandum may compile all bills, or portions of bills, as applicable, into one document.

(c) If a statute or bill described in the memorandum requires the State Board or the Department to take action to carry out the statute or bill, a brief plan for carrying out that statute or bill.

(d) The date on which each statute and bill described in the memorandum becomes effective and the date by which it must be carried into effect by a school district or public school, including, without limitation, a charter school.

4. If a statute or bill described in subsection 3 is enacted during a special session of the Legislature that concludes after July 1, the ~~{Superintendent}~~ *Department* shall prepare an addendum to the memorandum that includes the information required by this section for each such statute or bill. The addendum must be provided to the board of trustees of each school district and the governing body of each charter school not later than 30 days after the special session concludes.

5. The ~~{Superintendent}~~ *Department* shall, if directed by the State Board, prepare and publish a bulletin as the official publication of the Department.

Sec. 12. NRS 385.230 is hereby amended to read as follows:

385.230 1. The ~~{Superintendent of Public Instruction}~~ *Department* shall, in conjunction with the State Board, prepare an annual report of the state of public education in this State. The report must include, without limitation:

(a) An analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385.3469;

(b) An update on the status of K-12 public education in this State;

(c) A description of the most recent vision and mission statements of the State Board and the Department, including, without limitation, the progress made by the State Board and Department in achieving those visions and missions;

(d) A description of the goals and benchmarks for improving the academic achievement of pupils which are included in the plan to improve the achievement of pupils required by NRS 385.34691;

(e) An analysis of the progress the public schools have made in the previous year toward achieving the goals and benchmarks for improving the academic achievement of pupils;

(f) An analysis of whether the standards and examinations adopted by the State Board adequately prepare pupils for success in postsecondary educational institutions and in career and workforce readiness;

(g) An analysis of the extent to which school districts and charter schools recruit and retain effective teachers and principals;

(h) An analysis of the ability of the automated system of accountability information for Nevada established pursuant to NRS 386.650 to link the achievement of pupils to the performance of the individual teachers assigned to those pupils and to the principals of the schools in which the pupils are enrolled;

(i) An analysis of the extent to which the lowest performing public schools have improved the academic achievement of pupils enrolled in those schools;

(j) A summary of the innovative educational programs implemented by public schools which have demonstrated the ability to improve the academic achievement of pupils, including, without limitation:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board; and

(k) A description of any plan of corrective action requested by the Superintendent of Public Instruction from the board of trustees of a school district or the governing body of a charter school and the status of that plan.

2. In odd-numbered years, the Superintendent of Public Instruction shall present the report *prepared pursuant to subsection 1* in person to the Governor and each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature.

3. In even-numbered years, the Superintendent of Public Instruction shall, on or before January 31, submit a written copy of the report *prepared pursuant to subsection 1* to the Governor and to the Legislative Committee on Education.

Sec. 13. NRS 385.240 is hereby amended to read as follows:

385.240 1. The ~~{Superintendent of Public Instruction}~~ Department shall approve or disapprove lists of books for use in public school libraries except for the libraries of charter schools. Such lists must not include books containing or including any story in prose or poetry the tendency of which would be to influence the minds of children in the formation of ideals not in harmony with truth and morality or the American way of life, or not in harmony with the Constitution and laws of the United States or of the State of Nevada.

2. Actions of the ~~{Superintendent}~~ Department with respect to lists of books are subject to review and approval or disapproval by the State Board.

Sec. 14. NRS 385.290 is hereby amended to read as follows:

385.290 ~~[1-]~~ The Superintendent of Public Instruction may appoint ~~fa~~
~~Deputy Superintendent of Instructional, Research and Evaluative Services~~
 who:

(a) ~~Holds a master's degree in school administration or a related subject~~
~~from an accredited college or university.~~

(b) ~~Has a minimum of 3 years of administrative experience which~~
~~includes:~~

(1) ~~Supervision and evaluation of staff;~~

(2) ~~Development and administration of budgets; and~~

(3) ~~Development of curriculum.~~

2. ~~The Deputy Superintendent of Instructional, Research and Evaluative~~
~~Services] such deputy superintendents as the execution of ~~this or her~~ the~~
~~Superintendent's duties may require. A deputy superintendent may perform~~
 any duty required of the Superintendent of Public Instruction during the
 absence of the Superintendent and shall do such work as the Superintendent
 may direct under the laws of the State.

Sec. 15. NRS 385.310 is hereby amended to read as follows:

385.310 The ~~[Deputy Superintendent for Administrative and Fiscal~~
~~Services, under the direction of the Superintendent of Public Instruction,]~~
~~Department~~ shall:

1. Determine the apportionment of all state school money to schools of
 the State as prescribed by law.

2. Develop for public schools of the State a uniform system of budgeting
 and accounting. The system must provide for the separate reporting of
 expenditures for each:

(a) School district; and

(b) School within a school district.

➡ Upon approval of the State Board, the system is mandatory for all public
 schools in this State and must be enforced as provided in subsection 2 of
 NRS 385.315.

3. Carry on a continuing study of school finance in the State, particularly
 the method by which schools are financed on the state level, and make such
 recommendations to the Superintendent of Public Instruction for submission
 to the State Board as ~~he or she~~ the Department deems advisable.

4. Recommend to the Superintendent of Public Instruction for
 submission to the State Board such changes in budgetary and financial
 procedures as the studies may show to be advisable.

5. Perform such other statistical and financial duties pertaining to the
 administration and finances of the schools of the State as may be required by
 the Superintendent of Public Instruction.

6. Prepare for the Superintendent of Public Instruction the biennial
 budgets of the Department for consideration by the State Board and
 submission to the Governor.

Sec. 16. NRS 385.315 is hereby amended to read as follows:

385.315 ~~[In addition to any other duties, the Deputy Superintendent for Administrative and Fiscal Services, under the direction of the Superintendent of Public Instruction,]~~ *The Department shall:*

1. Investigate any claim against any school fund or an account established under NRS 354.603, 386.570 or 392A.083, as applicable, whenever a written protest against the drawing of a warrant, check or order in payment of the claim is filed with the county auditor, the sponsor of the charter school or the Department. If, upon investigation, the ~~{Deputy Superintendent}~~ *Department* finds that any such claim is unearned, illegal or unreasonably excessive, the ~~{Deputy Superintendent}~~ *Department* shall notify the county auditor and the clerk of the board of trustees, the governing body of the charter school or the governing body of the university school for profoundly gifted pupils who drew or authorized the order for the claim, stating the reasons in writing why the order is unearned, illegal or excessive. If so notified, the county auditor shall not draw his or her warrant in payment of the claim nor shall the board of trustees, governing body of the charter school or governing body of the university school for profoundly gifted pupils draw a check or order in payment of the claim from an account established under NRS 354.603, 386.570 or 392A.083, as applicable. If the ~~{Deputy Superintendent}~~ *Department* finds that any protested claim is legal and actually due the claimant, the ~~{Deputy Superintendent}~~ *Department* shall authorize the county auditor, the board of trustees, the governing body of the charter school or the governing body of the university school for profoundly gifted pupils, as applicable, to draw his or her warrant or its check or order on an account established under NRS 354.603, 386.570 or 392A.083, as applicable, for the claim, and the county auditor, the board of trustees or the appropriate governing body shall immediately draw his or her warrant or its check or order in payment of the claim.

2. Inspect the record books and accounts of boards of trustees, governing bodies of charter schools and governing bodies of university schools for profoundly gifted pupils and enforce the uniform method of keeping the financial records and accounts of school districts, charter schools and university schools for profoundly gifted pupils.

3. Inspect the school fund accounts of the county auditors of the several counties and report the condition of the funds of any school district to the board of trustees thereof.

4. Inspect the accounts established by:

(a) The boards of trustees under NRS 354.603 and report the condition of the accounts to the respective boards of county commissioners and county treasurers.

(b) The governing bodies of charter schools under NRS 386.570 and report the condition of the accounts to the respective sponsors of the charter schools and governing bodies of the charter schools.

(c) The governing bodies of university schools for profoundly gifted pupils under NRS 392A.083 and report the condition of the accounts to the

Board of Regents of the University of Nevada and the respective governing bodies of the university schools.

Sec. 17. NRS 385.320 is hereby amended to read as follows:

385.320 ~~{The Deputy Superintendent of Instructional, Research and Evaluative Services and the Deputy Superintendent for Administrative and Fiscal Services;~~

~~1.—Are}~~ *Each deputy superintendent appointed by the Superintendent of Public Instruction pursuant to NRS 385.290:*

1. *Is in the unclassified service of the State.*

2. Except as otherwise provided in NRS 284.143, shall each devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 18. ~~{NRS 385.34691 is hereby amended to read as follows:~~

~~385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:~~

~~(a) Must be prepared in consultation with:~~

~~(1) Employees of the Department;~~

~~(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards; and~~

~~(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and~~

~~{(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and}~~

~~(b) May be prepared in consultation with:~~

~~(1) Representatives of institutions of higher education;~~

~~(2) Representatives of regional educational laboratories;~~

~~(3) Representatives of outside consultant groups;~~

~~(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391.512;~~

~~(5) The Bureau; and~~

~~(6) Other persons who the State Board determines are appropriate.~~

~~2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:~~

~~(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.~~

~~(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.~~

~~(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018;~~

~~(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:~~

~~(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:~~

~~(I) The curriculum appropriate to improve achievement;~~

~~(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and~~

~~(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;~~

~~(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;~~

~~(3) Integrate technology into the instructional and administrative programs of the school districts;~~

~~(4) Manage effectively the discipline of pupils; and~~

~~(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.~~

~~(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:~~

~~(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;~~

~~(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and~~

~~(3) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.~~

~~(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.~~

~~(g) A timeline for carrying out the plan, including, without limitation:~~

~~(1) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to subsection 3; and~~

~~(2) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.~~

~~(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.~~

~~(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.~~

~~(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.~~

~~(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.~~

~~(l) A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:~~

~~(1) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to this section; and~~

~~(2) Designed to track the progress made in achieving the strategic goals established by the Department.~~

~~(m) Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.~~

~~3. The State Board shall:~~

~~(a) In developing the plan to improve the achievement of pupils enrolled in public schools, establish clearly defined goals and benchmarks for improving the achievement of pupils, including, without limitation, goals for:~~

~~(1) Improving proficiency results in core academic subjects;~~

~~(2) Increasing the number of pupils enrolled in public middle schools and junior high schools, including, without limitation, charter schools, who enter public high schools with the skills necessary to succeed in high school;~~

~~(3) Improving the percentage of pupils who enroll in grade 9 and who graduate from a public high school, including, without limitation, a charter school, with a standard or higher diploma upon completion;~~

~~(4) Improving the performance of pupils on standardized college entrance examinations;~~

~~(5) Increasing the percentage of pupils enrolled in high schools who enter postsecondary educational institutions or who are career and workforce ready; and~~

~~(6) Reengaging disengaged youth who have dropped out of high school or who are at risk of dropping out of high school, including, without limitation, a mechanism for tracking and maintaining communication with those youth who have dropped out of school or who are at risk of doing so;~~

~~(b) Review the plan annually to evaluate the effectiveness of the plan;~~

~~(c) Examine the timeline for implementing the plan and each provision of the plan to determine whether the annual goals and benchmarks have been attained; and~~

~~(d) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that:~~

~~(1) The goals and benchmarks set forth in the plan are being attained in a timely manner; and~~

~~(2) The plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.~~

~~4. On or before January 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:~~

~~(a) Governor;~~

~~(b) Committee;~~

~~(c) Bureau;~~

~~(d) Board of Regents of the University of Nevada;~~

~~(e) [Council to Establish Academic Standards for Public Schools created by NRS 389.510;~~

~~(f)] Board of trustees of each school district; and~~

~~[(g)] (f) Governing body of each charter school.] (Deleted by amendment.)~~

Sec. 18.5. NRS 385.379 is hereby amended to read as follows:

385.379 1. The Account for Programs for Innovation and the Prevention of Remediation is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 2, ~~for 3.~~ The interest and income earned on the sum of:

(a) The money in the Account; and

(b) Unexpended appropriations made to the Account from the State General Fund,

↪ must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

2. ~~[Except as otherwise provided in NRS 385.3784 and subsection 3, the] The money in the Account may only be used for [the allocation of money to] public schools and [consortiums of public schools whose applications are approved by the Commission pursuant to NRS 385.3785.~~

~~3. Upon the request of the Commission:~~

~~(a) Not more than \$50,000 in the Account may be used each biennium to pay:~~

~~(1) The expenses incurred by members of the Commission to travel to the public schools and consortiums of public schools that received allocations of money from the Account; and~~

~~(2) The costs incurred by the Commission to hold meetings or conferences for representatives of public schools and consortiums of schools that received allocations of money from the Account to discuss or display, or both, programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.~~

~~(b) Not more than \$450,000 in the Account may be used each biennium to pay for an evaluation of the programs for which money was allocated from the Account. If the Commission uses money in the Account for such an evaluation, the Commission shall ensure that:~~

~~(1) A request for proposals is issued and a qualified, independent consultant is selected to conduct the evaluation;~~

~~(2) Upon selection of the consultant, the Commission receives approval of the consultant and the plan for the evaluation from the Committee;~~

~~(3) The evaluation is designed to determine the effectiveness of the programs for which money was allocated from the Account in improving the achievement of pupils;~~

~~(4) The evaluation includes an identification of the programs for which money was allocated from the Account that did not improve the achievement of pupils as described in the approved application for the grant;~~

~~(5) The evaluation includes an identification of the public schools and consortiums of public schools that did not implement the programs for which money was allocated from the Account as described in the approved application for the grant; and~~

~~(6) The evaluation includes a compilation and review of each evaluation required to be submitted by public schools and consortiums of public schools pursuant to NRS 385.3787.1, *public education, as authorized by the Legislature.*~~

Sec. 19. NRS 385.389 is hereby amended to read as follows:

385.389 1. The Department shall adopt programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015 and 389.550, including, without limitation, programs that are designed for pupils who are limited English proficient. The programs adopted for pupils who are limited English proficient must be designed to:

(a) Improve the academic achievement of those pupils; or

(b) Assist those pupils with attaining proficiency in the English language.

➔ In adopting these programs of remedial study, the Department shall consider the recommendations submitted by the Committee pursuant to NRS 218E.615 and programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

2. If a school fails to make adequate yearly progress based upon the results of the examinations administered pursuant to NRS 389.015 or 389.550, the school shall adopt a program of remedial study that has been adopted by the Department pursuant to subsection 1 . ~~[for a program, practice or strategy recommended by the Commission on Educational Excellence pursuant to NRS 385.3785, or any combination thereof, as applicable.]~~

3. A school district that includes a school described in subsection 2 shall ensure that each of the pupils enrolled in the school who failed to demonstrate at least adequate achievement on the examinations administered pursuant to NRS 389.015 or 389.550, as applicable, completes remedial study that is determined to be appropriate for the pupil.

Sec. 20. ~~[NRS 385.635 is hereby amended to read as follows:]~~

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

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

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

~~(c) Work in cooperation with the [Statewide Council for the Coordination of the Regional Training Programs] Department to establish a statewide training program concerning parental involvement and family engagement required pursuant to NRS 391.520.~~

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

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

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

~~(3) Family literacy training;~~

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

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

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

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

~~(g) Work in cooperation with the [Commission on Professional Standards in Education] Superintendent of Public Instruction in developing the regulations required by paragraph (k) of subsection 1 of NRS 391.019 and monitoring the implementation of those regulations.~~

~~(h) Establish, in collaboration with the State Board, guidelines to assist parents and families in helping their children achieve the standards of content and performance adopted by the State Board pursuant to NRS 389.520.~~

~~(i) Collaborate with the Nevada State Parent Information and Resource Center, the Parent Training and Information Centers, the Nevada Parent Teacher Association, the Advisory Council and the teachers who are trained to serve as liaisons to parents and legal guardians of pupils enrolled in public schools to plan and implement a statewide summit on parental involvement and family engagement, which must be held at least biennially. After each summit, the Office of Parental Involvement and Family Engagement shall evaluate the success of the summit in consultation with the entities identified in this paragraph.~~

~~(j) Assist each school district and the public schools within the school district with incorporating strategies and practices for effective parental involvement and family engagement into the plans to improve the achievement of pupils prepared by the public schools pursuant to NRS 385.357.~~

~~(k) Work in partnership with the Advisory Council to:~~

~~(1) Review and evaluate the annual reports of accountability prepared by the board of trustees of each school district pursuant to NRS 385.347 relating to parental involvement and family engagement in the school districts and public schools;~~

~~(2) Review and evaluate the plans to improve the achievement of pupils prepared by each public school pursuant to NRS 385.357 relating to the strategies and practices for effective parental involvement and family engagement incorporated into the plans; and~~

~~(3) Review the status of the implementation of the provisions of this section and the effectiveness of the Office in carrying out the duties prescribed in this section.~~

~~2. On or before August 1 of each year, the Office of Parental Involvement and Family Engagement shall prepare a report which includes a summary of the:~~

~~(a) Status of the progress made by the school districts and public schools in effectively involving parents and engaging families in the education of their children and an identification of any areas where further improvement is needed; and~~

~~(b) Activities of the Office during the immediately preceding school year, including the progress made by the Office, in consultation with the Advisory Council, in assisting the school districts and public schools with increasing the effectiveness of involving parents and engaging families in the education of their children.~~

~~3. The Department shall post on its Internet website:~~

~~(a) The list of practices developed by the Office of Parental Involvement and Family Engagement pursuant to paragraph (b) of subsection 1;~~

~~(b) The report prepared by the Office pursuant to subsection 2; and~~

~~(c) Any other information that the Office finds useful for the school districts, public schools, parents, families and general public relating to effective parental involvement and family engagement.} (Deleted by amendment.)~~

Sec. 21. NRS 386.600 is hereby amended to read as follows:

386.600 1. On or before November {15} 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 Department of Administration 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 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 for the preceding year.

Sec. 22. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November ~~10~~ 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 subsection 2, 3 or 4 of NRS 391.160 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to subsection 2 of NRS 391.160, 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 Department of Administration 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 for submission to the Department of Administration, 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;

(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 per pupil basic

support guarantee for inclusion in the biennial budget request to the Department of Administration; and

(e) Shall obtain approval from the State Board for any inflationary increase, enhancement to an existing program or addition of a new program included in the agency biennial budget request.

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 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. 23. ~~[NRS 388.805 is hereby amended to read as follows:
388.805 The Department shall [, in consultation with the Commission,] adopt regulations that establish a program whereby school districts may apply to the [Commission on Educational Technology] Superintendent of Public Instruction for money from the Trust Fund for Educational Technology.] (Deleted by amendment.)~~

Sec. 24. ~~[NRS 389.012 is hereby amended to read as follows:~~

~~389.012 1. The State Board shall:~~

~~(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.~~

~~(b) Report the results of those examinations to the:~~

~~(1) Governor;~~

~~(2) Board of trustees of each school district of this State;~~

~~(3) Legislative Committee on Education created pursuant to NRS 218E.605; and~~

~~(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.~~

~~(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:~~

~~(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and~~

~~(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.~~

~~2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 389.550 and the high school proficiency examination administered pursuant to NRS 389.015, the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:~~

~~(a) The standards of content and performance for English and mathematics established pursuant to NRS 389.520 with the standards for English and mathematics that are tested on the National Assessment;~~

~~(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 389.550 and the high school proficiency examination administered pursuant to NRS 389.015;~~

~~3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:~~

~~(a) Governor;~~

~~(b) Legislative Committee on Education; and~~

~~(c) Legislative Bureau of Educational Accountability and Program Evaluation [-]; and~~

~~(d) Council to Establish Academic Standards for Public Schools.~~

~~4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation[-].} (Deleted by amendment.)~~

~~Sec. 25. [NRS 389.0187 is hereby amended to read as follows:~~

~~389.0187 1. The State Board shall develop a model curriculum for the subject areas of English language arts and mathematics for each grade level in kindergarten and grades 1 to 12, inclusive.~~

~~2. The Department shall provide each model curriculum developed pursuant to subsection 1 to:~~

~~(a) The board of trustees of each school district; and~~

~~(b) [The governing body of each] Each regional training program for the professional development of teachers and administrators.~~

~~3. The Department shall provide to the governing body of each charter school the model curriculum developed pursuant to subsection 1 for the grade levels taught at the charter school.~~

~~4. The board of trustees of each school district shall make available to each public school within the school district the model curriculum for the grade levels taught at the public school.~~

~~5. The model curriculum may be used as a guide by teachers and administrators in developing class lesson plans to ensure compliance with the academic standards adopted for English language arts and mathematics.~~

~~6. [The governing body of each] 4 regional training program for the professional development of teachers and administrators may use the model curriculum in the provision of training to teachers and administrators to ensure compliance with the academic standards adopted for English language arts and mathematics.] (Deleted by amendment.)~~

Sec. 26. ~~[NRS 389.019 is hereby amended to read as follows:~~

~~389.019 Except as otherwise provided in NRS 389.180, boards of trustees of school districts in this State shall enforce in schools:~~

~~1. The standards of content and performance established by the [Council to Establish Academic Standards for Public Schools] Department and the courses of study related to those standards; and~~

~~2. The courses of study prescribed and adopted by the State Board.] (Deleted by amendment.)~~

Sec. 27. ~~[NRS 389.520 is hereby amended to read as follows:~~

~~389.520 1. The [Council] Department shall:~~

~~(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 3, based upon the content of each course, that is expected of pupils for the following courses of study:~~

~~(1) English, including reading, composition and writing;~~

~~(2) Mathematics;~~

~~(3) Science;~~

~~(4) Social studies, which includes only the subjects of history, geography, economics and government;~~

~~(5) The arts;~~

~~(6) Computer education and technology;~~

~~(7) Health; and~~

~~(8) Physical education.~~

~~(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.~~

~~(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.~~

~~2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:~~

~~(a) The ethical use of computers and other electronic devices, including, without limitation:~~

~~(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and~~

~~(2) Methods to ensure the prevention of:~~

~~(I) Cyber bullying;~~

~~(II) Plagiarism; and~~

~~(III) The theft of information or data in an electronic form;~~

~~(b) The safe use of computers and other electronic devices, including, without limitation, methods to:~~

~~(1) Avoid harassment, cyber bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;~~

~~(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and~~

~~(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;~~

~~(c) The secure use of computers and other electronic devices, including, without limitation:~~

~~(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;~~

~~(2) The necessity for secure passwords or other unique identifiers;~~

~~(3) The effects of a computer contaminant;~~

~~(4) Methods to identify unsolicited commercial material; and~~

~~(5) The dangers associated with social networking Internet sites; and~~

~~(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.~~

~~3. The [Council] Department shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The [Council] Department shall establish standards of content and performance for the grade levels selected by the [Council] Department for the other courses of study prescribed in subsection 1.~~

~~4. The [Council] Department shall forward to the State Board the standards of content and performance established by the [Council] Department for each course of study. The State Board shall:~~

~~(a) Adopt the standards for each course of study, as submitted by the [Council]; Department; or~~

~~(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the [Council] Department with a written explanation setting forth the reason for the objection.~~

~~5. If the State Board returns to the [Council] Department the standards of content and performance for a course of study or a grade level, the [Council] Department shall:~~

~~(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and~~

~~(b) Return the standards or the revised standards, as applicable, to the State Board.~~

~~➔ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.~~

~~6. The [Council] Department shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.~~

~~7. As used in this section:~~

~~(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.~~

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

~~(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.] (Deleted by amendment.)~~

~~Sec. 28. [NRS 389.540 is hereby amended to read as follows:~~

~~389.540 The board of trustees of each school district shall conduct a periodic review of the courses of study offered in the public schools of the school district to determine whether the courses of study comply with the standards of content and performance established by the [Council] Department pursuant to NRS 389.520 and if revision of the courses of study is necessary to ensure compliance.] (Deleted by amendment.)~~

~~Sec. 29. [NRS 389.550 is hereby amended to read as follows:~~

~~389.550 1. The State Board shall, in consultation with the [Council,] Department, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:~~

~~(a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content established by the [Council] Department for the subjects of English and mathematics.~~

~~(b) For grades 5 and 8, in the standards of content established by the [Council] Department for the subject of science.~~

~~➔ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.~~

~~2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the [Council,] Department, prescribe a writing examination for grades 5 and 8 and for the high school proficiency examination.~~

~~3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:~~

~~(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.~~

~~(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.~~

~~(c) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in~~

~~which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:~~

~~(1) The plan adopted by the Department; and~~

~~(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.]~~
~~(Deleted by amendment.)~~

~~Sec. 30. [NRS 389.560 is hereby amended to read as follows:~~

~~389.560 1. The State Board shall adopt regulations that require the board of trustees of each school district and the governing body of each charter school, through the sponsor of the charter school, to submit to the Superintendent of Public Instruction [,] and the Department , [and the Council,] in the form and manner prescribed by the Superintendent, the results of the examinations administered pursuant to NRS 389.550. The State Board shall not include in the regulations any provision that would violate the confidentiality of the test scores of an individual pupil.~~

~~2. The results of the examinations must be reported for each school, including, without limitation, each charter school, school district and this State, as follows:~~

~~(a) The percentage of pupils who have demonstrated proficiency, as defined by the Department, and took the examinations under regular testing conditions; and~~

~~(b) The percentage of pupils who have demonstrated proficiency, as defined by the Department, and took the examinations with modifications or accommodations, if such reporting does not violate the confidentiality of the test scores of any individual pupil.~~

~~3. Not later than 10 days after the Department receives the results of the examinations, the Department shall transmit a copy of the results to the Legislative Bureau of Educational Accountability and Program Evaluation in a manner that does not violate the confidentiality of the test scores of any individual pupil.~~

~~4. On or before July 1 of each year, the board of trustees of each school district and the governing body of each charter school, through the sponsor of the charter school, shall report to the Department the following information for each examination administered in the public schools in the school district or charter school:~~

~~(a) The examination administered;~~

~~(b) The grade level or levels of pupils to whom the examination was administered;~~

~~(c) The costs incurred by the school district or charter school in administering each examination; and~~

~~(d) The purpose, if any, for which the results of the examination are used by the school district or charter school.~~

~~5. On or before September 1 of each year, the Department shall transmit to the Budget Division of the Department of Administration and the Fiscal~~

~~Analysis Division of the Legislative Counsel Bureau the information submitted to the Department pursuant to this subsection.~~

~~5. The superintendent of schools of each school district and the governing body of each charter school, through the sponsor of the charter school, shall certify that the number of pupils who took the examinations is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations.~~

~~6. In addition to the information required by subsection 4, the Superintendent of Public Instruction shall:~~

~~(a) Report the number of pupils who were not exempt from taking the examinations but were absent from school on the day that the examinations were administered; and~~

~~(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.] (Deleted by amendment.)~~

Sec. 31. ~~[NRS 389.570 is hereby amended to read as follows:~~

~~389.570 1. The [Council] Department shall review the results of pupils on the examinations administered pursuant to NRS 389.550, including, without limitation, for each school in a school district and each charter school that is located within a school district, a review of the results for the current school year and a comparison of the progress, if any, made by the pupils enrolled in the school from preceding school years.~~

~~2. After the completion of the review pursuant to subsection 1, the [Council] Department shall evaluate:~~

~~(a) Whether the standards of content and performance established by the [Council] Department require revision; and~~

~~(b) The success of pupils, as measured by the results of the examinations, in achieving the standards of performance established by the [Council] Department.~~

~~3. The [Council] Department shall report the results of the evaluation conducted pursuant to subsection 2 to the State Board and the Legislative Committee on Education.] (Deleted by amendment.)~~

Sec. 32. ~~[NRS 390.140 is hereby amended to read as follows:~~

~~390.140 1. The State Board shall make the final selection of all textbooks to be used in the public schools in this State, except for charter schools. If a textbook proposed for selection is in a subject area for which standards of content have been established by the [Council to Establish Academic Standards for Public Schools] Department pursuant to NRS 389.520, the State Board shall not select the textbook unless the State Board determines that the textbook adequately supports the standards for that subject area.~~

~~2. A textbook must not be selected by the State Board pursuant to subsection 1 for use in the public schools in classes in literature, history or social sciences unless it accurately portrays the cultural and racial diversity~~

~~of our society, including lessons on the contributions made to our society by men and women from various racial and ethnic backgrounds.}] (Deleted by amendment.)~~

Sec. 33. ~~[NRS 391.008 is hereby amended to read as follows:~~

~~391.008 As used in this chapter, unless the context otherwise requires:~~

~~1. "Paraprofessional" means a person who is employed by and assigned by a school district or charter school to:~~

- ~~(a) Provide one-on-one tutoring for a pupil;~~
- ~~(b) Assist with the management of a classroom, including, without limitation, organizing instructional materials;~~
- ~~(c) Provide assistance in a computer laboratory;~~
- ~~(d) Conduct parental involvement activities in conjunction with one or more duties set forth in this subsection;~~
- ~~(e) Provide support in a library or media center;~~
- ~~(f) Except as otherwise provided in subsection 2, provide services as a translator; or~~
- ~~(g) Provide instructional services to pupils under the direct supervision of a licensed teacher.~~

~~2. The term "paraprofessional" does not include a person who:~~

~~(a) Is proficient in the English language and a language other than English and who provides services as a translator primarily to enhance the participation of children in programs that are financially supported pursuant to the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq.~~

~~(b) Solely conducts parental involvement activities.}] (Deleted by amendment.)~~

Sec. 34. ~~[NRS 391.019 is hereby amended to read as follows:~~

~~391.019 1. Except as otherwise provided in NRS 391.027, the [Commission] Superintendent of Public Instruction shall adopt regulations:~~

~~(a) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations:~~

~~(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the [Commission,] Superintendent of Public Instruction, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:~~

- ~~(I) Establish the requirements for approval as a qualified provider;~~
- ~~(H) Require a qualified provider to be selective in its acceptance of students;~~

~~(III) Require a qualified provider to provide supervised, school based experiences and ongoing support for its students, such as mentoring and coaching;~~

~~(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;~~

~~(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;~~

~~(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and~~

~~(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.~~

~~(2) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.~~

~~(b) Identifying fields of specialization in teaching which require the specialized training of teachers;~~

~~(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization;~~

~~(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization;~~

~~(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting;~~

~~(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:~~

~~(1) Provide instruction or other educational services; and~~

~~(2) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.~~

~~(g) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a doctoral degree from an accredited degree granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:~~

~~(1) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or~~

~~(2) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.~~

~~An applicant for licensure pursuant to this paragraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.~~

~~(h) Requiring an applicant for a special qualifications license to:~~

~~(1) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or~~

~~(2) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.~~

~~(i) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.~~

~~(j) Providing for the issuance and renewal of a special qualifications license to an applicant who:~~

~~(1) Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;~~

~~(2) Is not licensed to teach public school in another state;~~

~~(3) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and~~

~~(4) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.~~

~~An applicant for licensure pursuant to this paragraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.~~

~~(k) Prescribing course work on parental involvement and family engagement. The [Commission] *Superintendent of Public Instruction* shall work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.~~

~~2. Except as otherwise provided in NRS 391.027, the [Commission] Superintendent of Public Instruction may adopt such other regulations as [it] he or she deems necessary [for its own government or] to carry out [its] his or her duties.~~

~~3. Any regulation which increases the amount of education, training or experience required for licensing:~~

~~(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.~~

~~(b) Must not become effective until at least 1 year after the date it is adopted by the [Commission.] Superintendent of Public Instruction.~~

~~(c) Is not applicable to a license in effect on the date the regulation becomes effective.~~

~~4. A person who is licensed pursuant to paragraph (g) or (j) of subsection 1:~~

~~(a) Shall comply with all applicable statutes and regulations.~~

~~(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.~~

~~(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.] (Deleted by amendment.)~~

~~Sec. 35. [NRS 391.021 is hereby amended to read as follows:~~

~~391.021 Except as otherwise provided in paragraph (j) of subsection 1 of NRS 391.019 and NRS 391.027, the [Commission] Superintendent of Public Instruction shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The examinations must test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach. Each examination must include the following subjects:~~

~~1. The laws of Nevada relating to schools;~~

~~2. The Constitution of the State of Nevada; and~~

~~3. The Constitution of the United States.~~

~~→ The provisions of this section do not prohibit the [Commission] Superintendent of Public Instruction from adopting regulations pursuant to subsection 2 of NRS 391.032 that provide an exemption from the examinations for teachers and other educational personnel from another state if the [Commission] Superintendent of Public Instruction determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.] (Deleted by amendment.)~~

~~Sec. 36. [NRS 391.023 is hereby amended to read as follows:~~

~~391.023 The [Commission] Superintendent of Public Instruction may adopt regulations which provide relief from the strict application of the terms of [its] the regulations adopted by the Superintendent of Public Instruction relating to the licensure of teachers and other educational personnel for the resolution of medical or administrative conflicts. The conflicts must be resolved within 6 months after the date the relief is granted. (Deleted by amendment.)~~

Sec. 37. ~~[NRS 391.027 is hereby amended to read as follows:~~

~~391.027 1. The State Board may disapprove any regulation adopted by the [Commission.] Superintendent of Public Instruction.~~

~~2. A regulation shall be deemed approved if the State Board does not disapprove the regulation within 90 days after it is adopted by the [Commission.] Superintendent of Public Instruction. (Deleted by amendment.)~~

Sec. 38. ~~[NRS 391.028 is hereby amended to read as follows:~~

~~391.028 On or before December 1 of each year, the [Commission] Superintendent of Public Instruction shall submit a written report to the State Board and the Legislative Committee on Education. The report must include, without limitation:~~

~~1. A summary of the regulations adopted by the [Commission] Superintendent of Public Instruction and the status of those regulations; and~~

~~2. [A work plan which designates the proposed activities of the Commission during the next year; and~~

~~3.] A description of the progress and status of each regulation relating to the licensure of educational personnel which the [Commission] Superintendent of Public Instruction is required to adopt pursuant to a legislative measure enacted within the two previous regular sessions of the Legislature or any special session of the Legislature occurring within that time. If the [Commission] Superintendent of Public Instruction has not adopted a required regulation, the [Commission] Superintendent of Public Instruction shall include in the report a detailed explanation describing the reasons each regulation was not adopted. (Deleted by amendment.)~~

Sec. 39. ~~[NRS 391.031 is hereby amended to read as follows:~~

~~391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:~~

~~1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.~~

~~2. A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in grades 7, 8 and 9 at any middle school or junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the [Commission.] Superintendent of Public Instruction.~~

~~3. A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any~~

~~secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the [Commission.] Superintendent of Public Instruction.~~

~~4. A license to teach special education, which authorizes the holder to teach pupils with disabilities or gifted and talented pupils, or both.~~

~~5. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.~~

~~6. A special license designated as a special qualifications license, which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the applicable regulations of the [Commission] Superintendent of Public Instruction adopted pursuant to paragraph (g) or (j) of subsection 1 of NRS 391.019.] (Deleted by amendment.)~~

~~Sec. 40. [NRS 391.032 is hereby amended to read as follows:~~

~~391.032 1. Except as otherwise provided in NRS 391.027, the [Commission] Superintendent of Public Instruction shall:~~

~~(a) Consider and may adopt regulations which provide for the issuance of conditional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.~~

~~(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the [Commission] Superintendent of Public Instruction determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.~~

~~2. The regulations adopted pursuant to paragraph (b) of subsection 1 may provide an exemption from the examinations required for initial licensure for teachers and other educational personnel from another state if the [Commission] Superintendent of Public Instruction determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.~~

~~3. A person who is issued a conditional license must complete all courses of study and other requirements for a license in this State which is not conditional within 3 years after the date on which a conditional license is issued.] (Deleted by amendment.)~~

~~Sec. 41. [NRS 391.033 is hereby amended to read as follows:~~

~~391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations~~

~~adopted by the [Commission] Superintendent of Public Instruction and as otherwise provided by law.~~

~~2. An application for the issuance of a license must include the social security number of the applicant.~~

~~3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 6 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.~~

~~4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.~~

~~5. A license must be issued to, or renewed for, as applicable, an applicant if:~~

~~(a) The Superintendent determines that the applicant is qualified;~~

~~(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:~~

~~(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or~~

~~(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; and~~

~~(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.] (Deleted by amendment.)~~

~~Sec. 42. [NRS 391.034 is hereby amended to read as follows:~~

~~391.034 1. An applicant for the issuance or renewal of a license issued pursuant to this chapter shall submit to the Superintendent of Public Instruction 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 [Commission] Superintendent of Public Instruction 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 [Commission.] Superintendent of Public Instruction.~~

~~3. A license may not be issued or renewed by the Superintendent of Public Instruction pursuant to this chapter 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 Superintendent of Public Instruction shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.] (Deleted by amendment.)~~

~~Sec. 43. [NRS 391.038 is hereby amended to read as follows:~~

~~391.038 1. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers, the board of trustees of each school district in this State and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:~~

~~(a) The licensure of teachers or other educational personnel;~~

~~(b) The renewal of licenses of teachers or other educational personnel; or~~

~~(c) An endorsement in a field of specialization.~~

~~2. If the course of study and training meets the requirements established by the State Board, it must be approved by the State Board. The State Board shall not approve a course of study or training unless the course of study and training provides instruction, to the extent deemed necessary by the State Board, in the standards of content and performance prescribed by the [Council to Establish Academic Standards for Public Schools] Department pursuant to NRS 389.520.~~

~~2. The State Board may review and evaluate such courses of study and training itself or may recognize a course of study and training approved by a national agency for accreditation acceptable to the Board.~~

~~3. The State Board shall adopt regulations establishing fees for the review by the Board of a course of study and training submitted to the Board by an educational institution.~~

~~4. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers and other educational personnel, and the Nevada Association of Colleges for Teacher Education and the Nevada Association of Teacher Educators, shall adopt regulations governing the approval by the State Board of courses of study and training which are accredited by the National Council for Accreditation of Teacher Education, and those which are not so accredited.~~

~~5. If the State Board denies or withdraws its approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the State Board.] (Deleted by amendment.)~~

Sec. 44. ~~[NRS 391.039 is hereby amended to read as follows:~~

~~391.039 1. The State Board shall, on an annual basis, evaluate each provider approved by the State Board or the [Commission] Superintendent of Public Instruction to offer a course of study or training designed to qualify a person to be a teacher or administrator or to perform other educational functions, including, without limitation, a qualified provider approved by the [Commission] Superintendent of Public Instruction pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019 to offer an alternative route to licensure. The evaluation must include, without limitation, for each provider, the number of persons:~~

~~(a) Who received a license pursuant to this chapter after completing the education, course of study or training offered by the provider; and~~

~~(b) Identified in paragraph (a) who are employed by a school district or a charter school in this State after receiving a license and information relating to the performance evaluations of those persons conducted by the school district or charter school. The information relating to the performance evaluations must be reported in an aggregated format and not reveal the identity of a person.~~

~~2. The Department shall post on its Internet website the evaluation conducted pursuant to subsection 1.] (Deleted by amendment.)~~

Sec. 45. ~~[NRS 391.040 is hereby amended to read as follows:~~

~~391.040 1. The [Commission] Superintendent of Public Instruction shall fix fees of not less than \$65 for the:~~

~~(a) Initial issuance of a license, which must include the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and~~

~~(b) Renewal of a license, which must include the fees for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.~~

~~2. The fee for issuing a duplicate license is the same as for issuing the original.~~

~~3. The portion of each fee which represents the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant must be deposited with the State Treasurer for credit to the appropriate account of the Department of Public Safety. The remaining portion of the money received from the fees must be deposited with the State Treasurer for credit to the appropriate account of the Department of Education.] (Deleted by amendment.)~~

Sec. 46. ~~[NRS 391.090 is hereby amended to read as follows:~~

~~391.090 1. Any person who is:~~

~~(a) Granted a license to teach or perform other educational functions in the public schools of Nevada, in the school conducted at the Nevada Youth~~

~~Training Center, the Caliente Youth Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS or for any program of instruction for kindergarten or grades 1 to 12, inclusive, conducted at any correctional institution in the Department of Corrections; or~~

~~(b) Charged with the duty at the Nevada Youth Training Center, the Caliente Youth Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS of giving instruction in the Constitution of the United States and the Constitution of the State of Nevada; must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge of the origin, history, provisions and principles of the Constitution of the United States and the Constitution of the State of Nevada.~~

~~2. The [Commission] *Superintendent of Public Instruction* may grant a reasonable time for compliance with the terms of this section.] (Deleted by amendment.)~~

Sec. 47. ~~[NRS 391.125 is hereby amended to read as follows:~~

~~391.125 [1.] If the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may submit a written request to the Superintendent of Public Instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district that is not designated as demonstrating need for improvement pursuant to NRS 385.3623. The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than 2 school years to teach in that subject area at a public school within the school district that is not designated as needing improvement pursuant to NRS 385.3623.~~

~~{2. If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent shall submit a written report to the Commission that includes the name of the school district for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the Commission shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.}}~~ (Deleted by amendment.)

Sec. 48. ~~[NRS 391.160 is hereby amended to read as follows:~~

~~391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.~~

~~2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher~~

~~would otherwise receive in 1 year for the teacher's classification on the schedule of salaries for the school district if:~~

~~(a) On or before January 31 of the school year, the teacher has submitted evidence satisfactory to the school district of his or her current certification; and~~

~~(b) The teacher is assigned by the school district to provide classroom instruction during that school year.~~

~~* No increase in salary may be given pursuant to this subsection during a particular school year to a teacher who submits evidence of certification after January 31 of that school year. For the first school year that a teacher submits evidence of his or her current certification, the board of trustees of the school district to whom the evidence was submitted shall pay the increase in salary required by this subsection retroactively to the beginning of that school year. Once a teacher 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 subsection is in addition to any other increase to which the teacher may otherwise be entitled.~~

~~3. Each year when determining the salary of a person who is employed by a school district as a speech pathologist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries for the school district if:~~

~~(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's:~~

~~(1) Licensure as a speech pathologist by the Board of Examiners for Audiology and Speech Pathology; and~~

~~(2) Certification as being clinically competent in speech language pathology by:~~

~~(I) The American Speech Language Hearing Association; or~~

~~(II) A successor organization to the American Speech Language Hearing Association that is recognized and determined to be acceptable by the Board of Examiners for Audiology and Speech Pathology; and~~

~~(b) The employee is assigned by the school district to serve as a speech pathologist during the school year.~~

~~* No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of licensure and certification after September 15 of that school year. Once an employee has submitted evidence of such licensure and 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 subsection is in addition to any other increase to which the employee may otherwise be entitled.~~

~~4. Each year when determining the salary of a person who is employed by a school district as a professional school library media specialist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries of the school district if:~~

~~(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's current certification as a professional school library media specialist issued by the National Board for Professional Teaching Standards; and~~

~~(b) The employee is assigned by the school district to serve as a professional school library media specialist during that school year.~~

~~➤ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of certification after September 15 of that school year. Once an employee 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 subsection is in addition to any other increase to which the employee may otherwise be entitled.~~

~~5. In determining the salary of a licensed teacher who is employed by a school district after the teacher has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:~~

~~(a) Give the teacher the same credit for previous teaching service as the teacher was receiving from the teacher's former employer at the end of his or her former employment;~~

~~(b) Give the teacher credit for the teacher's final year of service with his or her former employer, if credit for that service is not included in credit given pursuant to paragraph (a); and~~

~~(c) Place the teacher on the schedule of salaries of the school district in a classification that is commensurate with the level of education acquired by the teacher, as set forth in the applicable negotiated agreement with the present employer.~~

~~6. A school district may give the credit required by subsection 5 for previous teaching service earned in another state if the [Commission] Superintendent of Public Instruction has approved the standards for licensing teachers of that state. The [Commission] Superintendent of Public Instruction shall adopt regulations that establish the criteria by which the [Commission] Superintendent of Public Instruction will consider the standards for licensing teachers of other states for the purposes of this subsection. The criteria may include, without limitation, whether the [Commission] Superintendent of Public Instruction has authorized reciprocal licensure of educational personnel from the state under consideration.~~

~~7. In determining the salary of a licensed administrator, other than the superintendent of schools, who is employed by a school district after the~~

~~administrator has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:~~

~~(a) Give the administrator the same credit for previous administrative service as the administrator was receiving from the administrator's former employer, at the end of his or her former employment;~~

~~(b) Give the administrator credit for the administrator's final year of service with his or her former employer, if credit for that service is not otherwise included in the credit given pursuant to paragraph (a); and~~

~~(c) Place the administrator on the schedule of salaries of the school district in a classification that is comparable to the classification the administrator had attained on the schedule of salaries of the administrator's former employer.~~

~~8. This section does not:~~

~~(a) Require a school district to allow a teacher or administrator more credit for previous teaching or administrative service than the maximum credit for teaching or administrative experience provided for in the schedule of salaries established by it for its licensed personnel;~~

~~(b) Permit a school district to deny a teacher or administrator credit for his or her previous teaching or administrative service on the ground that the service differs in kind from the teaching or administrative experience for which credit is otherwise given by the school district.~~

~~9. As used in this section:~~

~~(a) "Previous administrative service" means the total of:~~

~~(1) Any period of administrative service for which an administrator received credit from the administrator's former employer at the beginning of his or her former employment; and~~

~~(2) The administrator's period of administrative service in his or her former employment.~~

~~(b) "Previous teaching service" means the total of:~~

~~(1) Any period of teaching service for which a teacher received credit from the teacher's former employer at the beginning of his or her former employment; and~~

~~(2) The teacher's period of teaching service in his or her former employment.] (Deleted by amendment.)~~

~~Sec. 49. [NRS 391.207 is hereby amended to read as follows:~~

~~391.207 1. The provision of nursing services in a school district by school nurses and other qualified personnel must be under the direction and supervision of a chief nurse who is a registered nurse as provided in NRS 632.240 and who:~~

~~(a) Holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the [Commission;] Superintendent of Public Instruction; or~~

~~(b) Is employed by a state, county, city or district health department and provides nursing services to the school district in the course of that employment.~~

~~2. A school district shall not employ a person to serve as a school nurse unless the person holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the [Commission.] Superintendent of Public Instruction.~~ (Deleted by amendment.)

Sec. 50. ~~[NRS 391.302 is hereby amended to read as follows:~~

~~391.302 1. Except as otherwise provided in NRS 391.3015, if an employee fails to maintain his or her license in force, the school district that employs him or her shall:~~

~~(a) Immediately suspend the employee without pay; and~~

~~(b) Terminate his or her employment if the employee fails to reinstate his or her license within the time prescribed by subsection 2 of NRS 391.305.~~

~~2. If an employee is suspended pursuant to this section and, within 90 days after the date of suspension, is granted by the Department or [Commission] Superintendent of Public Instruction an extension of time or any other relief which has the effect of reinstating or continuing his or her license in force, the suspension of the employee is ineffective and the school district shall immediately reinstate the employee while the employee's license remains in force. The employee must be reinstated to the position the employee held at the time of his or her suspension. If the employee thereafter fails again to maintain his or her license in force, the school district shall again suspend the employee without pay and proceed in accordance with NRS 391.305, 391.308 and 391.309.~~ (Deleted by amendment.)

Sec. 51. ~~[NRS 391.308 is hereby amended to read as follows:~~

~~391.308 1. An employee who is suspended by a school district pursuant to NRS 391.302 is entitled to a hearing if the employee makes a timely request for a hearing, as set forth in this section. A request for a hearing must:~~

~~(a) Be received, within 15 days after the date of the notice of suspension, by the person designated by the school district pursuant to paragraph (f) of subsection 1 of NRS 391.305;~~

~~(b) Set forth any facts which the employee believes are relevant; and~~

~~(c) Be accompanied by a copy of any documents which the employee believes are relevant.~~

~~2. If an employee fails to make a timely request for a hearing pursuant to this section, the right of the employee to reinstatement by the school district pursuant to subsection 2 of NRS 391.305 is not affected if the employee satisfies the requirements of that subsection.~~

~~3. If a timely request for a hearing is made, the superintendent of schools of the school district or the superintendent's designee shall convene a hearing to consider whether extenuating circumstances exist that warrant an extension of the time prescribed by paragraph (a) of subsection 2 of NRS 391.305 for reinstatement of the employee's license.~~

~~4. A hearing required by this section must be held within 20 days after the date of notice of suspension. The employee and the school district are each entitled to:~~

- ~~(a) Present evidence;~~
- ~~(b) Cross-examine witnesses; and~~
- ~~(c) Be represented by counsel or any other person.~~

~~5. Immediately upon conclusion of the hearing, the superintendent of schools of the school district or the superintendent's designee shall issue a ruling. The ruling must:~~

- ~~(a) State whether the employee will be granted an extension of time for reinstatement of the employee's license;~~
- ~~(b) Set forth the factual basis for his or her determination; and~~
- ~~(c) State the date on which an extension, if any, will expire.~~

~~6. In addition to the requirements of subsection 5, the ruling must be set forth in writing. Not later than 3 working days after the conclusion of the hearing, a copy of the written ruling must be mailed or personally delivered to the employee and the person who represented the employee during the hearing, if any. The failure of an employee to receive a copy of the written ruling does not render the ruling ineffective.~~

~~7. If an employee is granted an extension of time pursuant to this section, that extension is effective only for the purposes of the employment relationship between the school district and the employee and is not binding on the Department or [Commission.] *Superintendent of Public Instruction.* (Deleted by amendment.)~~

Sec. 52. [NRS 391.3127 is hereby amended to read as follows:

~~391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. The policy must set forth a means according to which an administrator's overall performance is determined to be highly effective, effective, minimally effective or ineffective. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for at least 50 percent of the evaluation. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the [Commission.] *Superintendent of Public Instruction.*~~

~~2. Each administrator must be evaluated in writing at least once a year.~~

~~3. Each probationary administrator is subject to the provisions of NRS 391.3128 and 391.3197.~~

~~4. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is~~

~~to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.~~ (Deleted by amendment.)

Sec. 53. ~~[NRS 391.330 is hereby amended to read as follows:~~

~~391.330 The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:~~

- ~~1. Immoral or unprofessional conduct.~~
- ~~2. Evident unfitness for service.~~
- ~~3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.~~
- ~~4. Conviction of a felony or crime involving moral turpitude.~~
- ~~5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.~~
- ~~6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.~~
- ~~7. Persistent defiance of or refusal to obey the regulations of the State Board [the Commission] or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.~~
- ~~8. Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015.~~
- ~~9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to NRS 389.616 or 389.620.~~
- ~~10. An intentional violation of NRS 388.5265 or 388.527.~~ (Deleted by amendment.)

Sec. 54. ~~[NRS 391.500 is hereby amended to read as follows:~~

~~391.500 As used in NRS 391.500 to 391.556, inclusive, unless the context otherwise requires, [the words and terms defined in NRS 391.504 and 391.508 have the meanings ascribed to them in those sections.] "regional training program" means a regional training program for the professional development of teachers and administrators established pursuant to NRS 391.512.~~ (Deleted by amendment.)

Sec. 55. ~~[NRS 391.510 is hereby amended to read as follows:~~

~~391.510 The Superintendent of Public Instruction [is] and the Department are responsible for ensuring that the duties and responsibilities of the [Statewide Council and the] regional training programs set forth in~~

~~NRS 391.500 to 391.556, inclusive, are carried out by the [Statewide Council and the] regional training programs successfully.] (Deleted by amendment.)~~

~~Sec. 56. [NRS 391.512 is hereby amended to read as follows:~~

~~391.512 1. There are hereby created the Southern Nevada Regional Training Program, the Northeastern Nevada Regional Training Program and the Northwestern Nevada Regional Training Program [The governing body of each] within the Department. Under the direction and supervision of the Department, each regional training program shall establish and operate a:~~

~~(a) Regional training program for the professional development of teachers and administrators.~~

~~(b) Nevada Early Literacy Intervention Program through the regional training program established pursuant to paragraph (a).~~

~~2. Except as otherwise provided in subsection 5, the Southern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts in:~~

~~(a) Clark County;~~

~~(b) Esmeralda County;~~

~~(c) Lincoln County;~~

~~(d) Mineral County; and~~

~~(e) Nye County.~~

~~3. Except as otherwise provided in subsection 5, the Northeastern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts in:~~

~~(a) Elko County;~~

~~(b) Eureka County;~~

~~(c) Lander County;~~

~~(d) Humboldt County;~~

~~(e) Pershing County; and~~

~~(f) White Pine County.~~

~~4. Except as otherwise provided in subsection 5, the Northwestern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts in:~~

~~(a) Carson City;~~

~~(b) Churchill County;~~

~~(c) Douglas County;~~

~~(d) Lyon County;~~

~~(e) Storey County; and~~

~~(f) Washoe County.~~

~~5. Each regional training program shall, when practicable, make reasonable accommodations for the attendance of teachers and administrators who are employed by school districts outside the primary jurisdiction of the regional training program.~~

~~6. The board of trustees of the:~~

~~(a) Clark County School District shall serve as the fiscal agent for the Southern Nevada Regional Training Program.~~

~~(b) Elko County School District shall serve as the fiscal agent for the Northeastern Nevada Regional Training Program.~~

~~(c) Washoe County School District shall serve as the fiscal agent for the Northwestern Nevada Regional Training Program.~~

~~As fiscal agent, each school district is responsible for the payment, collection and holding of all money received from this State for the maintenance and support of the regional training program and Nevada Early Literacy Intervention Program. [established and operated by the applicable governing body.]} (Deleted by amendment.)~~

Sec. 57. ~~[NRS 391.520 is hereby amended to read as follows:~~

~~391.520 1. The [Statewide Council shall meet not less than four times per year.~~

~~2. The [Statewide Council] *Department* shall:~~

~~(a) Adopt uniform standards for use by [the governing body of] each regional training program in the review and approval [by the governing body] of the training to be provided by the regional training program pursuant to NRS 391.540 and 391.544. The standards must ensure that the training provided by the regional training programs includes activities set forth in 20 U.S.C. § 7801(34), as appropriate for the type of training offered, is of high quality and is effective in addressing the training programs specified in subsection 1 of NRS 391.544.~~

~~(b) In cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630, establish a statewide program for teachers and administrators concerning effective parental involvement and family engagement which includes:~~

~~(1) Training for teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.~~

~~(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.~~

~~(c) Coordinate the dissemination of information to school districts, administrators and teachers concerning the training, programs and services provided by the regional training programs.~~

~~(d) Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.~~

~~(e) Conduct long range planning concerning the professional development needs of teachers and administrators employed in this state.~~

~~(f) Adopt uniform procedures for use by [the governing body of] each regional training program to report the evaluation conducted pursuant to NRS 391.552.~~

~~[3.] 2. The [Statewide Council] *Department* may:~~

~~(a) Accept gifts and grants from any source for use by the [Statewide Council] *Department* in carrying out its duties pursuant to [this section]~~

~~NRS 391.500 to 391.556, inclusive, and accept gifts and grants from any source on behalf of one or more regional training programs to assist with the training provided pursuant to NRS 391.544; and~~

~~(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist the [Statewide Council] Department in carrying out its duties pursuant to this section and comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391.544, including, without limitation, providing money from the budget of the [Statewide Council] Department for the regional training programs to match the money received from a federal grant.] (Deleted by amendment.)~~

Sec. 58. ~~[NRS 391.540 is hereby amended to read as follows:~~

~~391.540 1. [The governing body of] In cooperation with the Department, each regional training program shall:~~

~~(a) Adopt a training model, taking into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.~~

~~(b) Assess the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district may submit recommendations to the [appropriate governing body] Department for the types of training that should be offered by the regional training program.~~

~~(c) In making the assessment required by paragraph (b) and as deemed necessary by the [governing body] regional training program, review the:~~

~~(1) Plans to improve the achievement of pupils prepared pursuant to NRS 385.357;~~

~~(2) Turnaround plans for schools implemented pursuant to NRS 385.37603; and~~

~~(3) Plans for restructuring schools implemented pursuant to NRS 385.37607;~~

~~→ for individual schools within the primary jurisdiction of the regional training program.~~

~~(d) Prepare a 5-year plan for the regional training program, which includes, without limitation:~~

~~(1) An assessment of the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program; and~~

~~(2) Specific details of the training that will be offered by the regional training program for the first 2 years covered by the plan.~~

~~(c) Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts within the primary jurisdiction of the regional training program.~~

~~2. The [Department, the] Nevada System of Higher Education and the board of trustees of a school district may submit a request to the Department for the [governing body of the] regional training program that serves the school district to provide training, participate in a program or otherwise perform a service that is in addition to the duties of the regional training program that are set forth in the plan adopted pursuant to this section or otherwise required by statute. An entity may not represent that a regional training program will perform certain duties or otherwise obligate the regional training program as part of an application by that entity for a grant unless the entity has first obtained the written confirmation of the [governing body of] Department for the regional training program to perform those duties or obligations. The [governing body of a regional training program] Department may, but is not required to, grant a request pursuant to this subsection. (Deleted by amendment.)~~

Sec. 59. ~~[NRS 391.542 is hereby amended to read as follows:~~

~~391.542 1. The [governing body of each regional training program] Department shall establish an evaluation system for the teachers and other licensed educational personnel who participate in the program. The evaluation system must include:~~

- ~~(a) Specific measures of the success of each teacher and other licensed person who participates in the training provided by the program; and~~
- ~~(b) Recommendations for follow up for the teacher or other licensed person to strengthen his or her skills in the classroom or otherwise in his or her position of employment with the school district or charter school.~~

~~2. Each evaluation must be provided in written form to the person who is evaluated and the principal of the school at which the person is employed, if applicable, or, if the person is not supervised by a school principal, his or her direct supervisor. (Deleted by amendment.)~~

Sec. 60. ~~[NRS 391.544 is hereby amended to read as follows:~~

~~391.544 1. Based upon the assessment of needs for training within the region and priorities of training adopted by the [governing body] regional training program in cooperation with the Department pursuant to NRS 391.540, each regional training program must provide:~~

- ~~(a) Training for teachers and other licensed educational personnel in the:~~
 - ~~(1) Standards established by the [Council to Establish Academic Standards for Public Schools] Department pursuant to NRS 389.520;~~
 - ~~(2) Curriculum and instruction required for the common core state standards adopted by the State Board;~~
 - ~~(3) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and~~
 - ~~(4) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.~~

~~(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach~~

~~kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:~~

- ~~(1) Phonemic awareness;~~
- ~~(2) Phonics;~~
- ~~(3) Vocabulary;~~
- ~~(4) Fluency;~~
- ~~(5) Comprehension; and~~
- ~~(6) Motivation.~~

~~(e) At least one of the following types of training:~~

~~(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.~~

~~(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.~~

~~(3) In addition to the training provided pursuant to paragraph (b) of subsection 1, training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.~~

~~(d) In accordance with the program established [by the Statewide Council] pursuant to paragraph (b) of subsection [2] 1 of NRS 391.520, training for:~~

~~(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.~~

~~(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.~~

~~2.—The training required pursuant to subsection 1 must:~~

~~(a) Include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the [governing body] *regional training program* for the type of training offered.~~

~~(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.~~

~~(c) Incorporate training that addresses the educational needs of:~~

~~(1) Pupils with disabilities who participate in programs of special education; and~~

~~(2) Pupils who are limited English proficient.~~

~~3.—[The governing body of each] *Each* regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:~~

~~(a) The standards of content and performance established by the [Council to Establish Academic Standards for Public Schools] Department pursuant to NRS 389.520;~~

~~(b) Fundamental reading skills; and~~

~~(c) Other training listed in subsection 1.~~

~~→ [The governing body] Each regional training program shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.~~

~~4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.~~

~~5. [A] Upon approval of the Department, a regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391.512 to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the [governing body] regional training program for the type of training offered.~~

~~6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals. (Deleted by amendment.)~~

Sec. 61. ~~[NRS 391.545 is hereby amended to read as follows:~~

~~391.545 1. [The governing body of a] A regional training program may facilitate and coordinate access to information by teachers and administrators concerning issues related to suicide among pupils. Such information must be offered for educational purposes only.~~

~~2. Receipt of or access to information pursuant to subsection 1 does not create a duty for any person in addition to those duties otherwise required in the course of his or her employment. (Deleted by amendment.)~~

Sec. 62. ~~[NRS 391.552 is hereby amended to read as follows:~~

~~391.552 [The governing body of] For each regional training program, the Department shall:~~

~~1. Establish a method for the evaluation of the success of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program. The method must be consistent with the uniform procedures adopted by the [Statewide Council] Department pursuant to NRS 391.520.~~

~~2. On or before September 1 of each year, submit an annual report to the State Board, the [Commission,] Superintendent of Public Instruction, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes:~~

~~(a) The priorities for training adopted by the [governing body] regional training program pursuant to NRS 391.540.~~

~~(b) The type of training offered through the program in the immediately preceding year.~~

~~(e) The number of teachers and administrators who received training through the program in the immediately preceding year.~~

~~(d) The number of paraprofessionals, if any, who received training through the program in the immediately preceding year.~~

~~(e) An evaluation of the success of the program, including, without limitation, the Nevada Early Literacy Intervention Program, in accordance with the method established pursuant to subsection 1.~~

~~(f) A description of the gifts and grants, if any, received by the [governing body] Department in the immediately preceding year for carrying out its duties pursuant to NRS 391.500 to 391.556, inclusive, and the gifts and grants, if any, received by the [Statewide Council] Department during the immediately preceding year on behalf of the regional training program. The description must include the manner in which the gifts and grants were expended.~~

~~(g) The 5 year plan for the program prepared pursuant to NRS 391.540 and any revisions to the plan made [by the governing body] in the immediately preceding year.] (Deleted by amendment.)~~

Sec. 63. ~~[NRS 391.556 is hereby amended to read as follows:~~

~~391.556 The board of trustees of each school district shall submit an annual report to the State Board, the [Commission,] Superintendent of Public Instruction, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes for the immediately preceding year:~~

~~1. The number of teachers and administrators employed by the school district who received training through the program, including, without limitation, the type of training received;~~

~~2. An evaluation of whether that training included the:~~

~~(a) Standards of content and performance established by the [Council to Establish Academic Standards for Public Schools] Department pursuant to NRS 389.520;~~

~~(b) Curriculum and instruction required for the common core standards adopted by the State Board;~~

~~(c) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and~~

~~(d) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.~~

~~3. An evaluation of the effectiveness of the training on improving the quality of instruction and the achievement of pupils.] (Deleted by amendment.)~~

Sec. 64. ~~[NRS 396.5195 is hereby amended to read as follows:~~

~~396.5195 The Board of Regents shall, in cooperation with the State Board and the [Council to Establish Academic Standards for Public Schools,] Department, ensure that students enrolled in a program developed by the System for the education of teachers are provided instruction regarding the~~

~~standards of content and performance required of pupils enrolled in high schools in this State.] (Deleted by amendment.)~~

Sec. 65. NRS 218E.615 is hereby amended to read as follows:

218E.615 1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the State Board of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the State Board of Education, State Public Charter School Authority, school districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a

demonstrated record of effectiveness in improving the academic achievement of pupils.

~~[(d) For the purposes set forth in NRS 385.3785, recommend to the Commission on Educational Excellence created by NRS 385.3784 programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.]~~

Sec. 66. ~~[NRS 233B.039 is hereby amended to read as follows:~~

~~233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:~~

~~(a) The Governor;~~

~~(b) Except as otherwise provided in NRS 209.221, the Department of Corrections;~~

~~(c) The Nevada System of Higher Education;~~

~~(d) The Office of the Military;~~

~~(e) The State Gaming Control Board;~~

~~(f) Except as otherwise provided in NRS 368A.140, the Nevada Gaming Commission;~~

~~(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services;~~

~~(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services;~~

~~(i) The State Board of Examiners acting pursuant to chapter 217 of NRS;~~

~~(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer;~~

~~(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375;~~

~~(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260;~~

~~(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830;~~

~~(n) The Silver State Health Insurance Exchange;~~

~~2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education [.] and the Board of the Public Employees' Benefits Program [and the Commission on Professional Standards in Education] are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case;~~

~~3. The special provisions of:~~

~~(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;~~

~~(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;~~

~~(e) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and~~

~~(d) NRS 90.800 for the use of summary orders in contested cases, prevail over the general provisions of this chapter.~~

~~4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.~~

~~5. The provisions of this chapter do not apply to:~~

~~(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;~~

~~(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;~~

~~(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694; or~~

~~(d) The judicial review of decisions of the Public Utilities Commission of Nevada.~~

~~6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.] (Deleted by amendment.)~~

Sec. 67. ~~NRS 385.300, 385.3781, 385.3782, 385.3783, 385.37835, 385.3784, 385.3785, 385.3787, ^[,] and 385.3789 ^[,] 385.379, 388.780, 388.785, 388.787, 388.789, 388.790, 388.795, 389.500, 389.505, 389.510, 389.530, 391.002, 391.005, 391.009, 391.011, 391.013, 391.015, 391.017, 391.029, 391.504, 391.508, 391.516, 391.524, 391.528, 391.532 and 391.536~~ are hereby repealed.

Sec. 68. ~~[The terms of all members of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516 who are incumbent on September 30, 2013, expire on that date.] (Deleted by amendment.)~~

Sec. 69. ~~[The terms of all members of each governing body of each regional training program for the professional development of teachers and administrators established pursuant to NRS 391.512 who are incumbent on September 30, 2013, expire on that date.] (Deleted by amendment.)~~

Sec. 70. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of regulations is transferred.

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

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

Sec. 71. The Legislative Counsel shall, in preparing supplements, to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 72. ~~[The balance of any money remaining in the Account for Programs for Innovation and the Prevention of Remediation created by NRS 385.379 on October 1, 2013, that has not been committed for expenditure must be transferred to the State General Fund.] (Deleted by amendment.)~~

LEADLINES OF REPEALED SECTIONS

385.300 Deputy Superintendent for Administrative and Fiscal Services: Qualifications and appointment.

385.3781 Definitions.

385.3782 "Account" defined.

385.3783 "Commission" defined.

385.37835 Superintendent of Public Instruction required to ensure Commission carries out duties successfully.

385.3784 Commission: Creation; membership; terms; meetings; compensation of members; duty of Department to provide administrative support; involvement of the Legislative Counsel Bureau in activities of Commission.

385.3785 Commission: Establishment of program of educational excellence; allocations of money to public schools and consortiums of public schools; Department required to provide list of priorities of schools; review of certain information by Commission.

385.3787 Use of money by public schools and consortiums of public schools that receive allocations from Account; submission of evaluation of effectiveness.

385.3789 Submission of annual reports by Commission; biennial audit of programs by Legislative Auditor.

~~[385.379 Creation of Account for Programs for Innovation and the Prevention of Remediation; acceptance of gifts and grants; use of money in Account.~~

~~388.780 Definitions.~~

~~388.785 "Commission" defined.~~

~~388.787 "Committee" defined.~~

~~388.789 Superintendent of Public Instruction required to ensure Commission carries out duties successfully.~~

~~388.790 Commission on Educational Technology: Creation; membership; terms; removal and vacancy; quarterly meetings required; compensation.~~

~~388.795 Commission on Educational Technology: Duties; plan for use of educational technology; administrative support by Department; assessment of needs of school districts; advisory committee authorized.~~

~~389.500 "Council" defined.~~

~~389.505 Superintendent of Public Instruction required to ensure Council carries out duties successfully.~~

~~389.510 Council to Establish Academic Standards: Creation; membership; terms; compensation.~~

~~389.530 Council to Establish Academic Standards: Duty of Department to provide support; assistance from other state agencies.~~

~~391.002 Definitions.~~

~~391.005 "Commission" defined.~~

~~391.009 Superintendent of Public Instruction required to ensure Commission carries out duties successfully.~~

~~391.011 Creation; membership.~~

~~391.013 Limitation on terms of certain members.~~

~~391.015 Officers.~~

~~391.017 Meetings; quorum; travel expenses and subsistence allowances.~~

~~391.029 Provision of personnel; location of offices.~~

~~391.504 "Regional training program" defined.~~

~~391.508 "Statewide Council" defined.~~

~~391.516 Statewide Council for the Coordination of the Regional Training Programs: Creation; membership; terms; compensation; administrative support authorized.~~

~~391.524 Governing body of regional training program: Membership; terms; vacancy.~~

~~391.528 Governing body of regional training program: Meetings; no salary or compensation.~~

~~391.532 Governing body of regional training program: Employment and salary of coordinator; duties of coordinator.~~

~~391.536 Governing body of regional training program: Annual review of budget; submission of proposed budget to Legislative Committee on Education; acceptance of gifts and grants authorized.]~~

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senators Woodhouse and Cegavske.

SENATOR WOODHOUSE:

Thank you, Mr. President. Amendment No. 461 makes several significant changes to Senate Bill No. 467. First, it removes all references that would have abolished the Council to Establish Academic Standards for Public Schools. Second, it removes all references that would have abolished the Statewide Council for Coordination of the Regional Training Programs and further, removes references to the associated transfer of duties for certain functions of the Regional Training Programs. Third, it removes all references that would have abolished the Commission for Professional Standards in Education.

Fourth, Amendment No. 461 removes all references in the bill that would have abolished the Commission on Educational Technology. Fifth, the amendment removes the \$8,400 limit for payment of teachers conferences from the State Distributive School Account. Finally, the amendment removes the requirement set forth in law that the Superintendent of Public Instruction hold a master's degree in an education related field and allows the Superintendent to appoint deputies as required.

SENATOR CEGAVSKE:

Thank you, Mr. President. I rise in opposition to Amendment No. 461 to Senate Bill No. 467. I ask that my colleagues seriously look into this. The bill has been proposed and talked about for several sessions and interims, all of which has been noted. The only change I agreed on, and it was removed, was the reference to the Regional Training Programs. The rest of the provisions need to go away—sunsetting items is a good thing.

The proposed amendment leaves in entities that are no longer necessary and could be folded into the Department of Education. This came from the Department of Administration. It has been a long, hard fight. I thought we had unanimous support from last Session for the bill. I urge you to oppose the proposed amendment.

SENATOR WOODHOUSE:

Thank you, Mr. President. I would like to inform the Body that, when this bill was heard in Committee, we asked a number of individuals who are involved in the educational institutions around the State, to work with the Interim Superintendent of Public Instruction. This amendment is the recommendation that came back from that group. I sincerely ask this Body to support it.

Amendment adopted.

Senator Woodhouse moved that Senate Bill No. 467 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 5:52 p.m.

SENATE IN SESSION

At 5:58 p.m.

President Krolicki presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 510.

Bill read third time.

Remarks by Senators Woodhouse and Kieckhefer.

SENATOR WOODHOUSE:

Thank you, Mr. President. For the current fiscal year, Senate Bill No. 510 delays the statutory deadlines for school districts to notify employees concerning reemployment status for the 2013-2014 school year from the current date of May 1, to no later than May 15, 2013. The legislation also extends the date by which the employee must notify the school district of acceptance of the 2013-2014 contract from the current date of May 10, 2013, to May 28, 2013. The failure of an employee to notify the school district of the employee's acceptance of the 2013-2014 contract on or before May 28, 2013, is conclusive evidence of the employee's rejection of the contract. This act becomes effective upon passage and approval, and expires on July 1, 2013. I would appreciate your support.

SENATOR KIECKHEFER:

Thank you, Mr. President. I rise in support of Senate Bill No. 510. This bill ensures that school district employees, particularly teachers, do not receive layoff notices unnecessarily. It is primarily a paperwork issue. I would appreciate everyone's support.

Roll call on Senate Bill No. 510:

YEAS—21.

NAYS—None.

Senate Bill No. 510 having received a constitutional majority, Mr. President declared it passed.

Senator Smith moved that all necessary rules be suspended, and that Senate Bill No. 510 be immediately transmitted to the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

Senator Denis moved that the Senate recess until 8:00 p.m.

Motion carried.

Senate in recess at 6:02 p.m.

SENATE IN SESSION

At 8:17 p.m.

President Krolicki presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 319, 324, 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 407, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

JOYCE WOODHOUSE, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 21, 135, 144, 201, 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JUSTIN C. JONES, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 346, 374, 383, 388, 389, 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 395, 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

TICK SEGERBLOM, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 375, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 72, 181, 213, 230, 433, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

AARON D. FORD, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RUBEN J. KIHUEN, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bills Nos. 21, 34, 72, 135, 144, 181, 201, 213, 230, 301, 319, 324, 346, 374, 375, 383, 388, 389, 395, 406, 407, 416, 418, 433, 498, 501, just reported out of Committee, be placed on the Second Reading File for this legislative day.

Motion carried.

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of Senate Bill No. 447.

MARK KRMPOTIC
Fiscal Analysis Division

April 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 26, 184, 360, 367, 370.

CINDY JONES

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 447 be taken from the General File and re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Senator Smith moved that the General File be considered before the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 329.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President. I rise in support of Senate Bill No. 329 which establishes the Account for Clean Energy Loans within the Office of Energy. The Director of the Office of Energy is required to adopt regulations concerning the energy improvement programs and the use of the money in the Account for Clean Energy Loans. Money from the Account for Clean Energy Loans may be used only for the purpose of making below-market-rate loans for clean energy improvements to owners of residential real property. The measure authorizes certain local governments, nonprofit corporations and financial institutions, serving as a qualified third party, to apply to the Director of the Office of Energy for a distribution of the money for the purposes of making a loan. The bill requires a qualified third party to comply with the Open Meeting Law in establishing and administering energy improvement programs approved by the Director. This bill passed out of Committee unanimously. Thank you and I urge your support.

Roll call on Senate Bill No. 329:

YEAS—21.

NAYS—None.

Senate Bill No. 329 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 343.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Senate Bill No. 343 creates a new category for off-highway vehicles. The bill requires the owner of a large all-terrain vehicle to provide proof of insurance that meets the requirements of insurance on an automobile. This bill defines “large all-terrain vehicle” and provides for a new registration sticker or decal distinguishable from the sticker or decal of a standard off-highway vehicle. Additionally, the owner of a large all-terrain vehicle can register either as a standard off-highway vehicle, as currently required, or the owner can choose the new designation which allows him or her to go on certain roads designated by a city or county. This bill is effective on October 1, 2013. I urge your support.

Roll call on Senate Bill No. 343:

YEAS—21.

NAYS—None.

Senate Bill No. 343 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 350.

Bill read third time.

Remarks by Senator Hutchison.

Thank you, Mr. President. I rise in support of Senate Bill No. 350. As amended, the bill expands the list of authorized purposes for which a school district may issue general obligation bonds, pursuant to Section 335 of Chapter 387 of *Nevada Revised Statutes*, to include the purchase of motor vehicles and other equipment used for the transportation of pupils. Additionally, if the money from the issuance of a general obligation is used to purchase such equipment and the equipment is subsequently sold, the bill requires the proceeds of the sale be applied toward the retirement of the general obligations. This bill passed unanimously from the Senate Committee on Finance. I urge your support.

Roll call on Senate Bill No. 350:

YEAS—21.

NAYS—None.

Senate Bill No. 350 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 359.

Bill read third time.

Remarks by Senator Roberson.

Thank you, Mr. President. Senate Bill No. 359 requires the Silver State Health Insurance Exchange, to the extent feasible, to direct marketing for its qualified health plans primarily to uninsured and underinsured qualified individuals and qualified small employers that do not provide or offer health insurance to their employees.

Roll call on Senate Bill No. 359:

YEAS—21.

NAYS—None.

Senate Bill No. 359 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 381.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President. Senate Bill No. 381 brings Nevada into compliance with the federal law which limits Temporary Assistance to Needy Families beneficiaries from using their benefits at certain establishments including casinos, liquor stores, a retail establishment in which performers disrobe or perform unclothed for entertainment, or in any other place or manner prohibited by the Middle Class Tax Relief and Job Creation Act of 2012. This bill also prohibits persons from knowingly accepting public assistance benefits for a prohibited purpose. I would like to thank the Committee and its Chair for its hard work on this bill. I would appreciate and I urge your support.

Roll call on Senate Bill No. 381:

YEAS—21.

NAYS—None.

Senate Bill No. 381 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 409.

Bill read third time.

Remarks by Senator Kihuen.

Thank you, Mr. President. Senate Bill No. 409 exempts a person or establishment, under certain circumstances, from current prohibitions on: (1) accepting, receiving or allowing another person to accept or receive a wager from a person physically present in Nevada; and (2) placing, sending, transmitting or relaying a wager to another person from within or outside of Nevada. The exemption is initiated if the wager was made pursuant to an agreement with another state, or authorized agency thereof, entered into by the Governor of Nevada pursuant to Section 6 of Assembly Bill 114 of the 2013 Legislative Session, Chapter 2 of *Statutes of Nevada*. I urge your support.

Roll call on Senate Bill No. 409:

YEAS—21.

NAYS—None.

Senate Bill No. 409 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 410.

Bill read third time.

Remarks by Senators Parks and Kieckhefer.

SENATOR PARKS:

Thank you, Mr. President. Senate Bill No. 410 authorizes a governmental entity, a nonprofit corporation or a person, who has a nonprofit corporation as a fiscal sponsor, to establish a program for the safe distribution and disposal of hypodermic devices. The bill further provides for the governance and training required of such program, and the devices, material, and information that a program may provide.

This measure confers civil liability exemptions related to the operation of a sterile hypodermic device program, as well as confidentiality for records obtained or created by a program. It also removes hypodermic devices from the list of items considered drug paraphernalia, allows them to be sold without a prescription for any purpose not restricted by federal law and protects from prosecution a person who possesses a trace amount of a controlled substance that is in or on a hypodermic device acquired from a program. This bill has the support of all State police agencies, and I encourage your support.

SENATOR KIECKHEFER:

Thank you, Mr. President. I would like to voice my support for Senate Bill No. 410. I think it is a sound public health bill. I would like to thank the bill's sponsor for making amendments to it in the committee process. It made it a much stronger piece of legislation.

Roll call on Senate Bill No. 410:

YEAS—21

NAYS—None.

Senate Bill No. 410 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 414.

Bill read third time.

Remarks by Senator Hammond.

Thank you, Mr. President. Senate Bill No. 414 prohibits a minor from knowingly and willfully using an electronic communication device to transmit or distribute an image of bullying committed against a minor with the intent to encourage, further or promote bullying or to cause harm to the minor. The measure provides that for the first violation, the minor shall be identified as a child in need of supervision, not a delinquent child. For any second or subsequent violation, the measure provides that it is a delinquent act, and the court may order the detention of the minor. This bill is effective on October 1, 2013.

Roll call on Senate Bill No. 414:

YEAS—21.

NAYS—None.

Senate Bill No. 414 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 420.

Bill read third time.

The following amendment was proposed by Senator Segerblom:

Amendment No. 552.

"SUMMARY—Revises provisions relating to the issuance of subpoenas. (BDR 14-1108)"

"AN ACT relating to criminal procedure; specifying that a prosecuting attorney or an attorney for a defendant may issue subpoenas for witnesses in this State to appear before the court at which a preliminary hearing is to be held; authorizing a peace officer to accept delivery of a subpoena in lieu of service, via electronic means; providing that a person who fails to obey a subpoena of an attorney for a defendant without an adequate excuse is in contempt of court; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes the prosecuting attorney or the attorney for the defendant in a criminal proceeding to issue subpoenas for witnesses within the State to appear before the court at which an indictment, information or criminal complaint is to be tried. (NRS 174.315) Section ~~11~~ 2 of this bill additionally specifies that a prosecuting attorney or an attorney for a defendant may issue subpoenas for such witnesses to appear before the court at which a preliminary hearing is to be held. Section 2 also provides that a peace officer may accept delivery of a subpoena in lieu of service, via electronic means.

Existing law also provides that a person who, without an adequate excuse, fails to obey a subpoena of a court or a prosecuting attorney that was served

upon the person or that was delivered to the person and accepted is in contempt of the court from which the subpoena was issued or in which the investigation is pending or the indictment, information or complaint is to be tried. (NRS 174.385) Section ~~[2]~~ 3 of this bill provides that a person who fails to obey a subpoena of an attorney for a defendant is also in contempt of court. Section ~~[2]~~ 3 also specifies that a person who fails to obey a subpoena of a prosecuting attorney or an attorney for a defendant is in contempt of the court in which a preliminary hearing is to be held.

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

Section 1. NRS 172.305 is hereby amended to read as follows:

172.305 A presentment or indictment may not be dismissed on the ground that the specific subject of the inquiry was not disclosed to the defendant pursuant to NRS 172.195 or subsection ~~[4]~~ 5 of NRS 174.315.

~~[Section 1]~~ *Sec. 2. NRS 174.315 is hereby amended to read as follows:*

174.315 1. ~~[The]~~ A prosecuting attorney may issue subpoenas subscribed by the prosecuting attorney for witnesses within the State, in support of the prosecution or whom ~~[the]~~ a grand jury may direct to appear before it, upon any investigation pending before the grand jury.

2. ~~[The]~~ A prosecuting attorney or ~~[the]~~ an attorney for ~~[the]~~ a defendant may issue subpoenas subscribed by the issuer for:

(a) Witnesses within the State to appear before the court at which a preliminary hearing is to be held or an indictment, information or criminal complaint is to be tried.

(b) Witnesses already subpoenaed who are required to reappear in any Justice Court at any time the court is to reconvene in the same case within 60 days, and the time may be extended beyond 60 days upon good cause being shown for its extension.

3. Witnesses, whether within or outside of the State, may accept delivery of a subpoena in lieu of service, by a written or oral promise to appear given by the witness. Any person who accepts an oral promise to appear shall:

(a) Identify himself or herself to the witness by name and occupation;

(b) Make a written notation of the date when the oral promise to appear was given and the information given by the person making the oral promise to appear identifying the person as the witness subpoenaed; and

(c) Execute a certificate of service containing the information set forth in paragraphs (a) and (b).

4. ~~[The]~~ *A peace officer may accept delivery of a subpoena in lieu of service, via electronic means, by providing a written promise to appear that is transmitted electronically by any appropriate means, including, without limitation, by electronic mail transmitted through the official electronic mail system of the law enforcement agency which employs the peace officer.*

5. A prosecuting attorney shall orally inform any witness subpoenaed as provided in subsection 1 of the general nature of the grand jury's inquiry

before the witness testifies. Such a statement must be included in the transcript of the proceedings.

6. Any subpoena issued by an attorney for a defendant for a witness to appear before the court at which a preliminary hearing is to be held must be calendared by filing a motion that includes a notice of hearing setting the matter for hearing not less than 2 full judicial days after the date on which the motion is filed. A prosecuting attorney may oppose the motion orally in open court. A subpoena that is properly calendared pursuant to this subsection may be served on the witness unless the court quashes the subpoena.

~~{Sec. 2.}~~ Sec. 3. NRS 174.385 is hereby amended to read as follows:

174.385 Failure by any person without an adequate excuse to obey a subpoena of a court, ~~{or}~~ a prosecuting attorney or an attorney for a defendant served upon the person or, in the case of a subpoena issued by a prosecuting attorney ~~{or}~~ or an attorney for a defendant, delivered to the person and accepted, shall be deemed a contempt of the court from which the subpoena issued or, in the case of a subpoena issued by a prosecuting attorney ~~{or}~~ or an attorney for a defendant, of the court in which ~~{the}~~ a preliminary hearing is to be held, an investigation is pending or ~~{the}~~ an indictment, information or complaint is to be tried.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Thank you, Mr. President. Amendment No. 552 to Senate Bill No. 420 provides that a district attorney or a public defender can serve a subpoena on a peace officer via electronic means, such as electronic mail. Amendment No. 552 was agreed to by both the district attorneys and the public defenders.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 421.

Bill read third time.

Remarks by Senators Ford, Hutchison, Brower, Segerblom and Hammond.

SENATOR FORD:

Good evening Mr. President. Senate Bill No. 421 revises the provisions establishing the grounds on which challenges for cause may be taken in the jury selection process for civil actions. The measure provides for an additional ground for such a challenge to be an existence of a state of mind in the juror that the juror is biased for or against any party to the proceeding. If there is such a finding, the measure requires the court in a civil action to excuse the juror. This bill is effective on October 1, 2013, and expires by limitation on June 30, 2015.

SENATOR HUTCHISON:

Mr. President. I rise to explain why some of us voted against this bill in Committee. We felt judges are in the best position to determine when a for-cause challenge ought to be made. We did not feel there needed to be a change in the presumption or a change in the bases for a for-cause challenge. The judicial officer is the best place for it to reside. Therefore, I will not supporting the bill.

SENATOR FORD:

I would like to reiterate one of the reasons why the Committee vote on Senate Bill No. 421 was four to three. We added a two-year sunset provision to the bill to ascertain whether it will be effective in reducing the problems relative to juror disqualification and things of that sort. I encourage your support.

SENATOR BROWER:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 421. At bottom, this is a solution in search of a problem. We heard from the judges who felt comfortable with the status quo and felt that it should be within their discretion to make these decisions in court and during jury selection. As well intentioned as the proponents have been about this bill, it just does not make sense to those of us who practice in the courts and who select juries on a regular basis.

SENATOR SEGERBLOM:

Thank you, Mr. President. In contrast with my colleague, some of us who select juries have witnessed that judges allow people out of the jury when they have already indicated they are biased for one side or the other. This bill makes it clear that if a prospective juror indicates they are biased, the judge should take that seriously. Bias should be the grounds for disqualification. I urge your support.

SENATOR HAMMOND:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 421. Like my colleagues, I heard a great deal of testimony on this item. I congratulate those who worked on the bill to try and make it better. But in the end, what we lacked was the ability to give judges the discretion they need when trying to qualify those who sit on juries.

Roll call on Senate Bill No. 421:

YEAS—11.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10.

Senate Bill No. 421 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 424.

Bill read third time.

Remarks by Senators Segerblom and Settelmeyer.

SENATOR SEGERBLOM:

Thank you, Mr. President. Senate Bill No. 424 provides that if you are involved in what would be comparable to a short sale of your house. When the bank sells the house, you have a right to meet the same price and stay in your house if you can. The circumstances under which you can do it are very limited, but it is a tool in the toolbox for homeowners who feel they are underwater and the bank is not working with them to reduce their principal. Thank you for your support.

SENATOR SETTELMAYER:

Thank you, Mr. President. I rise with some concerns as well as opposition to Senate Bill No. 424. In some of the smaller rural areas, sometimes only two or so people show up to bid on a house at the courtroom's steps. If you create a situation where the person who was foreclosed upon has the right to buy the home at the lowest price—right of first refusal—it could create a situation where individuals will no longer be willing to come forward and bid on homes in rural areas. To my knowledge, an individual who has been foreclosed upon still has a right to go to the court themselves and participate in the bidding process in a competitive arena. I am worried we may lower some of the home values that will be obtained.

Roll call on Senate Bill No. 424:

YEAS—16.

NAYS—Cegavske, Goicoechea, Gustavson, Hardy, Settlemeyer—5.

Senate Bill No. 424 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 425.

Bill read third time.

Remarks by Senator Hutchison.

Thank you, Mr. President. Senate Bill No. 425 authorizes a person who is licensed to engage in off-track pari-mutuel wagering to accept certain wagers, agree to refunds or rebates, increase payoffs or pay bonuses on off track pari-mutuel wagers, unless the Nevada Gaming Commission otherwise prohibits such conduct by regulation. This bill passed unanimously out of the Senate Committee on Judiciary. I urge your support.

Roll call on Senate Bill No. 425:

YEAS—21.

NAYS—None.

Senate Bill No. 425 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 428.

Bill read third time.

Remarks by Senators Atkinson, Settlemeyer and Manendo.

SENATOR ATKINSON:

Thank you, Mr. President. Senate Bill No. 428 requires operators of tow cars to accept cash, money orders, credit cards or debit cards, or any other electronic transfer of money as payment for towing services. To comply with this provision, the bill authorizes an operator of a tow car to enter into a contract with an issuer of a credit card or debit card to provide for the acceptance of such cards for the payment of rates, fares and charges. The measure authorizes the Nevada Transportation Authority to regulate the maximum fee that a tow car operator may charge a customer for the convenience of using a credit or debit card. This bill is effective on October 1, 2013. I urge your support.

SENATOR SETTELMAYER:

Thank you, Mr. President. I have a concern which the Committee Chair indicated he may be able to address for me: I would like to make sure that in the rural areas, Senate Bill No. 428 does not require the taking of credit or debit cards anywhere since there are locations that do not have reception. This bill indicates you have to take that type of payment at the site of the location of the main shop, correct?

SENATOR MANENDO:

Thank you, Mr. President. Yes, most of the transactions would take place at the tow shop.

Roll call on Senate Bill No. 428:

YEAS—21.

NAYS—None.

Senate Bill No. 428 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 429.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Senate Bill No. 429 eliminates the requirement that the Taxicab Authority approve or disapprove the color scheme on the taxicabs of a particular certificate holder. The bill also allows taxicab companies to place advertisements on the exterior of each of the companies' vehicles as long as each taxicab company's vehicle is distinguishable from taxicabs of other taxicab companies and that fare schedules remain visible on the exterior of the vehicles.

Roll call on Senate Bill No. 429:

YEAS—21.

NAYS—None.

Senate Bill No. 429 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 441.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Senate Bill No. 441 makes various changes governing business entities. It cleans up the business law provisions in our statutes. It provides that a director, officer, manager, managing member, general partner or trustee of certain business entities consents to personal jurisdiction. The measure also provides that unless otherwise restricted by the articles of incorporation or bylaws, members of a corporation may participate in a meeting through available technology if the corporation has implemented reasonable measures to: (1) verify the identity of each person, and (2) provide an opportunity to participate in a substantially concurrent manner with such proceedings. Senate Bill No. 441 also authorizes an insurance company to organize as a nonprofit corporation. I urge your support.

Roll call on Senate Bill No. 441:

YEAS—21.

NAYS—None.

Senate Bill No. 441 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 448.

Bill read third time.

Remarks by Senator Jones.

Thank you, Mr. President. Senate Bill No. 448 instructs the Legislative Committee on Health Care to consider and evaluate methods to promote federally qualified health centers and rural health clinics as part of its review of health care during the upcoming Legislative Interim and to report its findings to the Legislature. I urge your support.

Roll call on Senate Bill No. 448:

YEAS—21.

NAYS—None.

Senate Bill No. 448 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 449.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Senate Bill No. 449 increases from two years to four years the period within which a person remains subject to additional penalties for committing a third or subsequent offense involving the illegal disposal of cesspool or septic-tank effluent or solid waste.

Roll call on Senate Bill No. 449:

YEAS—21.

NAYS—None.

Senate Bill No. 449 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 450.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Senate Bill No. 450 revises the qualifications of the district health officer. The officer must be licensed or eligible to be licensed to practice medicine and, if eligible, must obtain a medical license within 12 months of hire. Senate Bill No. 450 also requires the officer to have a master's degree, equivalent work experience or certification, or be eligible to obtain certification, by the American Board of Preventive Medicine. The officer must also have five years of experience working in a management position for a local, state or national public health agency.

Roll call on Senate Bill No. 450:

YEAS—21.

NAYS—None.

Senate Bill No. 450 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 453.

Bill read third time.

Remarks by Senators Smith, Kieckhefer, Jones and Spearman.

SENATOR SMITH:

Thank you, Mr. President. I rise in support of Senate Bill No. 453 which allows a physician to issue an order for auto-injectable epinephrine to a public or private school for the treatment of anaphylaxis experienced by any student at the school during school hours. These devices are known as "EpiPens" in most of our daily lives.

The bill further requires each public school, including charter schools, to obtain such an order from a physician and allows a school nurse or other designated employee who has been properly

trained, to possess and administer auto-injectable epinephrine to a student experiencing anaphylaxis. This measure also requires each public or private school, to the extent feasible, to provide training concerning food allergies to certain employees and to develop a comprehensive action plan for anaphylaxis.

This sounds like an innocuous bill but it's really an opportunity for us to save lives. Children in schools who suffer from anaphylaxis have minutes to have the injection or they could lose their lives. We heard story after story in testimony and in research about how critical this is. I urge your support.

SENATOR KIECKHEFER:

Thank you, Mr. President. I also rise in support of Senate Bill No. 453. My daughter carries and EpiPen with her. She has a severe egg allergy. We know her allergy brings a risk in her daily life. As parents, we can take a precaution against that, there are many kids in school who do not know what they are allergic to; a bee sting could kill them. They do not know because they have not yet experienced it. This is an opportunity to prevent a potential death of a child in a very sensible way—at no cost to the State. I would like to commend the sponsor for bringing this bill forward and for working so hard to get it accomplished.

SENATOR JONES:

Thank you, Mr. President. I also rise in support of Senate Bill No. 453. When I originally met with the sponsors, I remarked that my wife has an EpiPen and that I did not know how to use it. I would like to give a “shout out” to nine-year-old Layla who came to the Committee and demonstrated how to use an EpiPen before our Committee. She was courageous. There are many students out there who will benefit from this bill.

I would also like to note for the record that Senate Bill No. 453 is the only bill, as far as I can tell, that has truly unanimous support: 191 “yes” votes with none against.

SENATOR SPEARMAN:

Thank you, Mr. President. I, too, rise in support of Senate Bill No. 453. As an acute asthmatic, I know how important it is to have that EpiPen close at hand at all times.

Roll call on Senate Bill No. 453:

YEAS—21.

NAYS—None.

Senate Bill No. 453 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 456.

Bill read third time.

Remarks by Senator Manendo.

Thank you, Mr. President. Senate Bill No. 456 authorizes an insurance company to designate certain vehicle-storage lots to which inoperable or stolen vehicles insured by the insurance company must be towed under certain circumstances. A tow-car operator who tows a vehicle to a vehicle-storage lot is entitled to payment at the time the vehicle is delivered. Additional provisions require law enforcement officers to make a good faith effort to determine the identity of the insurance company that provides coverage for the owner of such a vehicle and to make a good faith effort to communicate that information to the operator of the tow car before the vehicle is towed. The amendatory provisions of this bill only apply to a county whose population is 700,000 or more, currently Clark County. This bill is effective upon passage and approval. I urge your support.

Roll call on Senate Bill No. 456:

YEAS—21.

NAYS—None.

Senate Bill No. 456 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 478.

Bill read third time.

Remarks by Senators Kihuen, Kieckhefer, Smith, Goicoechea and Ford.

SENATOR KIHUEN:

Thank you, Mr. President. Senate Bill No. 478 requires the Director of the Department of Corrections to obtain certain assurances and information before entering into any contract with a private employer for the employment of offenders. It provides that if any State-sponsored program for the employment of offenders incurs a net loss for two consecutive fiscal years, the Director must appear before the Committee on Industrial Programs to explain the reasons for the net loss and provide a plan for the generation of profit in the next fiscal year. Senate Bill No. 478 further provides that if the program does not generate a profit in the third fiscal year, the Director must take appropriate steps to resolve the issue. Finally, the measure provides that on or before January 1, 2014, and every five years thereafter, the Director shall submit a report to the Director of the Legislative Counsel Bureau for distribution to the Committee on Industrial Programs. The report must include: (1) an analysis of existing contracts with private employers for the employment of offenders; and (2) the potential impact of those contracts on private industry in Nevada. This measure is effective on July 1, 2013.

SENATOR KIECKHEFER:

Thank you, Mr. President. I have some questions about Senate Bill No. 478. I have read the bill several times and my take away is that we have a policy of the State that we want to ensure that offenders receive training, where appropriate, and that they have the opportunity to find gainful employment upon their release from prison. This bill seems to undermine that policy and intent significantly. The way the reporting requirements are included in the bill, such as: if a private business wants to use prison industry products or labor, they have to provide a report to the Department of Corrections that says they are going to hurt other private businesses in various ways and then publish the information in the public record of trade associations and labor unions to let them know how to protest if the use of prison labor is to be disagreed with. I cannot foresee any scenario in which people are going to use prison industry labor under Senate Bill No. 478. If the goal is to eliminate the necessity for prison industry labor and the use of it in our State, let us be honest about it and eliminate it. If I am incorrect in my interpretation, I would appreciate someone clarifying things for me.

SENATOR SMITH:

Thank you, Mr. President. I rise to speak in support of Senate Bill No. 478. As the Chair of the Senate Committee on Finance and the Chair of the Interim Finance Committee where we heard continual reports of debt owed to the program of a prison industry program that is not functional, and of a program that is competing with the private sector in a nonfunctional way and owing money. There is a \$400,000 debt to the State. For someone to use prison labor is unacceptable in my mind. This bill was designed to have some strict parameters on this type of industry to ensure that businesses who do engage in this area are accountable to the prisoners and accountable to the tax-paying corrections system. We want to ensure they are not taking business and future tax dollars away that the private sector will also be paying.

SENATOR GOICOECHEA:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 478. I sit on the Interim Finance Committee. I heard the problems that were brought to us. I am concerned we are "throwing the baby out with the bathwater." Prison industries has a goal and a function: to train and rehab inmates. It costs money. It is expensive. I agree with the Chair of the Interim Finance Committee that we do have a problem and oversight is good. But, I do not think we should throw the whole program out. I am afraid we are sending the wrong message with Senate Bill

No. 478. By the time someone meets all of the accounting requirements, prison industries will be crippled.

The mattress factory in Lovelock runs on prison industry labor, and it will never pay its own way. It will always be a negative. But, it does provide inmates with training, as well as the ability to pay back to the system. I urge your opposition.

SENATOR FORD:

Thank you, Mr. President. From the head and from the heart, I echo some of the sentiments expressed by my colleagues from Senate Districts Nos. 16 and 19. I had grave concerns when I heard about Senate Bill No. 478 because we have competing interests relative to what we want to do as a State. We certainly want to rehabilitate those who are in prison and make certain that when they are released, they have jobs they can move into in order to become active social agents in our society as opposed to charges on our society. I view a competing interest here, however. Under this circumstance, I think it weighs in favor of providing those who are outside the prison system with an opportunity to have jobs.

We all know the impacts of the Great Recession. Competition is one thing, but unfair competition is something completely different. What I see has occurred in this instance, where we have prison labor unfairly competing with businesses and labor unions—they both have agreed this is an issue that needs to be addressed via this legislation. As much as I do not want to decide between those competing interests, I have to suggest that you support Senate Bill No. 478 as it would attempt to rectify some of the unfair competition that is taking place. There are folks in need of employment outside of the prison system right now. We also need to do what we can to make certain that those inside the prison system are trained appropriately and can secure other opportunities. But at this juncture, as we stand here today, it is unfair competition at its apex. I urge your support of Senate Bill No. 478.

Roll call on Senate Bill No. 478:

YEAS—15.

NAYS—Cegavske, Goicoechea, Gustavson, Hardy, Parks, Settelmeyer—6.

Senate Bill No. 478 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 493.

Bill read third time.

Remarks by Senator Atkinson.

Thank you, Mr. President. Senate Bill No. 493 revises provisions governing loans secured by a lien on real property in which investors hold the beneficial interests. The bill authorizes the holders of 51 percent or more of the ownership interest in the real property previously securing the loan to act on behalf of all of the holders of the ownership interests of record. Senate Bill No. 493 revises provisions concerning actions authorized to be taken by the holders of 51 percent or more of the balance of a loan or ownership interest in a property and provides for the disposition of the minority beneficial interests in the event of foreclosure or receipt of a deed in lieu of foreclosure. This bill is effective on July 1, 2013. I urge the passage of this measure.

Roll call on Senate Bill No. 493:

YEAS—21.

NAYS—None.

Senate Bill No. 493 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 496.

Bill read third time.

Remarks by Senator Atkinson.

Thank you, Mr. President. Senate Bill No. 496 requires that an insurer file a portable electronics insurance policy form, including any certificate of coverage, with the Commissioner of Insurance before the insurer uses the form. The bill allows an insurer who issues a portable electronics insurance policy to change a term or condition of the policy more than once in a six-month period. Additionally, Senate Bill No. 496 reduces from 15 days to 10 days the period within which an insurer must notify a vendor and an enrolled customer of its intent to terminate coverage after discovering fraud or material misrepresentation by the customer. This bill is effective on October 1, 2013. I urge your support.

Roll call on Senate Bill No. 496:

YEAS—21.

NAYS—None.

Senate Bill No. 496 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 503.

Bill read third time.

Remarks by Senator Manendo.

Thank you, Mr. President. Senate Bill No. 503 authorizes the Department of Motor Vehicles to issue licenses and identification cards that expire on the eighth anniversary of the person's birthday or the eighth anniversary of the date of issuance. The bill allows the Department of Motor Vehicles to charge twice the amount of certain fees for such licenses or cards. This bill also provides for the issuance of a nonresident commercial driver's license or nonresident commercial learner's permit if the person is a resident of a state that is prohibited from issuing commercial driver's licenses pursuant to federal regulation.

Roll call on Senate Bill No. 503:

YEAS—21.

NAYS—None.

Senate Bill No. 503 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 13.

Resolution read third time.

Remarks by Senators Spearman, Parks, Settelmeyer, Roberson, Hutchison, Ford, Smith, Hammond, Hardy, Segerblom, Jones, Denis, Brower, Atkinson, Manendo and Kihuen.

SENATOR SPEARMAN:

Thank you, Mr. President. I rise in strong support of Senate Joint Resolution No. 13—as a matter of equality. Senate Joint Resolution No. 13 proposes to amend the *Nevada Constitution* to provide that the State of Nevada and its political subdivisions shall recognize marriages and issue licenses to couples, regardless of gender. Religious organizations and clergy have the right to refuse to perform marriages and no person has the right to make a claim against a religious organization or clergy for such refusal.

All legally valid marriages shall be treated equally under the law. The resolution also proposes to repeal existing provisions that only a marriage between a male and female person

may be recognized and given effect in Nevada. If approved in identical form during the 2015 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2016 General Election.

I would like to punctuate that last statement: this is a vote to let the people vote for equality.

SENATOR PARKS:

Thank you, Mr. President. I rise in support of Senate Joint Resolution No. 13. Over the last decade since Nevada's constitutional ban on same-gender marriage, Question 2, passed, Nevadans, the Nation and the world as a whole have gained a different perspective on same-gender marriage. Since Question 2 went into effect in 2002, nine states have passed legislation or had their supreme court allow for same-gender marriages. New York, Iowa, Massachusetts, Connecticut, Vermont, New Hampshire, Maryland and Washington, as well as the District of Columbia now recognize what Senate Joint Resolution No. 13 intends to establish should it pass by two votes of this Legislature and one vote of the people in 2016.

Back in 2000, when Question 2 was initially proposed, there were no countries or states that permitted same-gender marriage. Today, 14 countries have fully implemented same-gender marriage. As recently as last week, New Zealand joined with France and Uruguay to enact same-gender marriage. And, I predict England will be the fifteenth country.

Over the past several weeks and months, numerous United States Representatives and United States Senators have reversed their stances on same-gender marriage. Senator Rob Portman, once a contender for the nomination of Vice President of the United States, now stands in full support of same-gender marriage. Former Utah Governor and United States Ambassador John Huntsman does as well. Conservative Democrats including Senator Bob Casey also now support marriage equality.

It is not just state legislatures that have reversed their opinions. Nearly all of the arguments against gay marriage are based on religious beliefs. However, many religious leaders are in support of marriage equality.

Many countries have opened their armed forces to gay service members. Back in 1993, the United States government instituted a policy that prohibited gay and lesbian service members from disclosing their sexuality nor allowing anyone to ask what their sexual orientation was.

Seventeen years later, United States Admiral Mullen, as Chairman of the Joint Chiefs of Staff, stated, "It is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do." He continued by saying, "No matter how I look at this issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens. For me personally, it comes down to integrity—theirs as individuals, but also ours as an institution. I also believe that the great young men and women of our military can and would accommodate such a change. I never underestimate their ability to adapt. We have already seen it."

I have no doubt that the people of Nevada will be able to adapt to same-gender marriage should it pass at the ballot. There is no threat here, no threat to one's marriage nor their own personal views. There is no reason to adapt as life will go on for all of you, but it has a chance to change drastically for me and my friends.

My ultimate goal is to help create a society where people no longer define themselves as gay, lesbian, transgender or straight, but rather be deemed equal—where no one cares who is heterosexual, homosexual, bisexual or transgender. I see a place where we can love whomever we want without fear of ostracism, prejudice, discrimination or violence.

Lesbian, gay, bisexual and transgender individuals want one thing: full equality. With that comes the right and protections of roughly 300 State laws, and more than 1,000 federal laws. Passage of Senate Joint Resolution No. 13 will begin the positive process toward fairness and equality.

Senate Joint Resolution No. 13 simply allows Nevadans to decide if they support same-gender marriage. Senate Joint Resolution No. 13 is not a vote in support of same-gender marriage, it is a vote allowing the majority of Nevadans to decide if we should join other states around the Nation in granting equality to all.

As your friend who has worked side by side with many of you for years, a colleague who sits next to you in committee meetings and someone who eats lunch with you, I implore you to vote

for Senate Joint Resolution No. 13 so someday soon I may have the same rights to which you are entitled.

SENATOR SETTELMAYER:

Thank you, Mr. President. When the sponsor of Senate Joint Resolution No. 13 from Senate District No. 3 came to me with this item early on, I told him I was in favor of taking it out of the *Nevada Constitution*. I firmly believe the discussion of marriage does not belong in our *Constitution*. It is a social issue that does not belong there. It should only be in statute. When the amendment replaced the repealed section, I had the same problem. Therefore, I remain opposed to Senate Joint Resolution No. 13.

SENATOR ROBERSON:

Thank you, Mr. President. I rise in opposition to Senate Joint Resolution No. 13 as now amended. It is regretful it has come to this. I and others in the Senate Republican Caucus supported the original Senate Joint Resolution No. 13 which would have provided the voters the opportunity to repeal the prohibition on same-sex marriage currently in the *Nevada Constitution*.

Less than a month ago, I said the following, "I have always believed that marriage is a religious union between a man and a woman. I have never understood why government has a role in this relationship. However, given the fact that the government does license and sanction marriage in Nevada, it is difficult for me to justify differential treatment based upon sexual orientation or gender." My position today is the same as it was then. I do not believe the subject of marriage, and who can and cannot be married, belongs in the *Nevada Constitution*.

Process is important. The better course of action was—and is—to pass the original version of Senate Joint Resolution No. 13, to remove the subject of marriage from the *Nevada Constitution*. Following repeal, this Legislature can address the subject of marriage as it historically has, by statute. I also believe the original repeal language would have had a much better chance of passing at the ballot than the amended repeal-and-replace language.

It is unfortunate that the Majority Party decided to introduce a surprise amendment to put marriage back in the *Nevada Constitution* without discussing such an amendment with supporters of the original Senate Joint Resolution No. 13 in the Minority Party. Perhaps, if such dialogue had taken place, today's vote would have received more bipartisan support. Going forward, I hope the Majority Party adopts a different and more cooperative approach when seeking support from the Minority Party on important issues such as this. I think the Majority Party will find such an approach to be more successful, and the people of Nevada will appreciate it.

SENATOR HUTCHISON:

Thank you, Mr. President. I stand first to express again my profound respect for this Body and for my friends and colleagues who make decisions on matters that often involve competing interests that are legitimate and important to both sides of the debate. My respect for my colleagues when they disagree with me on this, or other matters, is not diminished based on how they vote. I have yet to meet anybody in this Body who is not sincerely trying to do what is, in their opinion, in the best interest of their constituents and Nevadans.

Honorable people of good faith hold sincere beliefs and views on both sides of the question over the definition of marriage. If Senate Joint Resolution No. 13 had been worded to place on the ballot, the question of same-gender marriage for the consideration of voters, I could have supported it. That is democracy. And that is how the *Nevada Constitution* was originally amended to include the current definition of marriage. The initiative process is how we got here. I support the right of the people to choose to change the *Nevada Constitution*. However, Senate Joint Resolution No. 13 does not state that the question of same-gender marriage is being referred to the people. Rather, by its express language, it requires me to vote today to: (1) repeal the definition of marriage between a male and a female in the *Nevada Constitution*, and (2) replace the definition with a constitutional directive that all marriages are recognized in this State regardless of gender. I simply cannot do that because of my own religious beliefs and convictions.

My faith teaches that marriage is between a man and a woman. It is a matter of doctrine for members of my faith.

Lest I, and others who believe or feel as I do, be accused of intolerance, insensitivity, hypocrisy, or standing in need of enlightenment, I quote a high-profile politician's point of view; said he in seeking a United States Senate seat, "I am a fierce supporter of domestic partnerships and civil union laws. I am not a supporter of gay marriage as it has been thrown about, primarily just as a strategic issue. I think that marriage, in the minds of a lot of voters, has a religious connotation."

In seeking the United States Presidency, this then-United States Senator further emphasized the role of his own religious beliefs on the subject in comments to Southern California mega-church Pastor Rick Warren, "I believe that marriage is the union between a man and a woman." He continued, "Now, for me as a Christian, it is also a sacred union. God's in the mix."

Until about a year ago, this was the view of the President of the United States. He changed his views on the subject, no doubt, but I do not recall his supporters labeling President Obama as intolerant, insensitive, hypocritical or unenlightened. He had a different view than others. Even after he recently changed his own view on the marriage issue, Reverend Joel Hunter, the evangelical pastor who President Obama calls his spiritual adviser, said he was disappointed that the President changed his views on same-gender marriage.

What is my point? There are people of good faith on both sides of Senate Joint Resolution No. 13 who hold sincere and deep but differing views. Condemnation and persecution have no place among those of us who hold these differing views.

Here are my own views and beliefs: I do not support redefining marriage; I do not think the law should prohibit adults from entering into loving and emotional relationships; I support civil unions; and I support strongly the protections to prevent discrimination based on sexual orientation.

I applaud this Body's enactment of anti-discrimination laws based on sexual orientation in housing, employment, public accommodations, public contracts, foster homes, public welfare, job training, apprenticeship programs, real estate appraisers and medical professionals. These are important laws and the right public policy.

I support—and indeed co-sponsored along with many of you here—my colleague from Senate District No. 1's bill, Senate Bill No. 139, that enhanced the penalties for criminals who visit violent, abusive and illegal acts on victims that are motivated because of race, gender, sexual orientation and other characteristics of the victim. I take seriously my own faith's teaching and doctrine that kindness and love should govern our interactions with each other as brothers and sisters.

I respectfully ask that we as Body retain the definition of marriage as between a man and a woman in the *Nevada Constitution*. Thank you for listening to and considering my views.

SENATOR FORD:

Thank you, Mr. President. My heart is beating really fast right now. We have had a few difficult votes these last few weeks. Last week, I had to vote against a colleague of mine who put a resolution out to overturn *Citizens United*. It was a difficult vote for me. I had to vote my conscience on it. Last Friday, and again today, I had to vote against another colleague whom I respect dearly and whom I had given my word, until I received information about the prospect of the Religious Freedom Restoration Act undermining other issues. That was a tough vote for me.

My heart is beating faster now than on any vote to date. Please let me share a couple of vulnerabilities with you. I was born in Dallas, Texas—in the blue part of Dallas, the part that is inner city, the part that's ghetto and the part that believes in liberal ideas. But I went to a university in Texas that was very conservative. In fact, it was considered the conservative bastion of Texas, Texas A&M University. After five years of being there, I had been indoctrinated, in a sense, with certain beliefs about things. Two of those beliefs were relative to abortion, which I adamantly opposed, and to gay rights, which I did not support.

I lived in Nevada in 2000 when we had the first vote on the ballot about whether we were going to define marriage as between a man and a woman. I voted for that definition. Two years later, I voted against it. My evolution—you might think had already taken place at that time, but it really was just beginning. As you have seen here at the Legislature, sometimes my thought

processes change. My evolution had not completed in 2002 when I voted on the definition of marriage.

I moved back to Dallas in 2003. I will never forget driving with my wife between Dallas and Houston with a very good friend who I respect deeply. I do not know how it came up, but we were debating the appropriateness of Texas—yes, I said Texas—allowing and recognizing gays to marry. My colleague, who I revere as he is a great person and a mentor to me, he did not support the idea. Somehow I found myself on the opposite side of the argument. I do not know if it was me playing devil's advocate or if it was truly part of my evolution; I remember mentioning to him a United States Supreme Court case: *Loving v. Virginia*. It was the case that allowed people who look like me, to marry someone who does not. It is the case that said blacks and whites could marry. It is the case that undermined and invalidated the Virginia law that dictated black people and white people could not marry.

As I thought about that case, I realized it stood for more than the proposition that one should be able to marry. It stood for the idea that you should be able to marry who you want to, whether that person is black, white, Indian, Haitian, yellow, green, brown, same sex or otherwise. That was the argument that persuaded me at that time, that I had evolved. I do not use the term “evolved” in a pejorative sense to say that those who do not believe what I believe are not evolved because I agree with my colleague from Senate District No. 6, reasonable minds may disagree. Tonight, however, I urge you to support the notion of equality—that which denied me and people who look like me, an opportunity to marry who we wanted to based on some arbitrary definition on what it is supposed to be about.

I do not mean to sound preachy or “teach-y” or otherwise. My heart is beating out of my chest right now because this is an important issue. We have an opportunity in this State to say as others have said in Iowa, New York and Hawaii, that we are not going to bow to the pressures of bigotry. Instead we are going to allow people to marry who they want to. I encourage you to vote in favor of Senate Joint Resolution No. 13.

SENATOR SMITH:

Thank you, Mr. President. I rise in support of Senate Joint Resolution No. 13. A month ago I had not envisioned myself standing up and talking on this issue. However, as it has been in the forefront of the media and in the center of discussions in this building over the last several weeks, I have developed a strong feeling about it. As I have corresponded with many constituents and non-constituents, I have realized I want to speak on this issue.

In response to other comments that have been made, I am shocked to hear that the amendment to Senate Joint Resolution No. 13 is considered a surprise. There has been discussion going on for at least the last several weeks on this topic. The people who have been working on this topic have been putting in many hours of discussions. I did not imagine this coming across as a surprise.

One of the comments I have received from constituents is around the idea that the people have already spoken and how dare we revisit what has already been decided. I have also heard comments that the definition of marriage does not belong in the *Nevada Constitution*—those who are expressing that sentiment supported it being in the *Nevada Constitution* prior to this, so I do not understand the difference.

I have been married for almost 39 years. I am a believer in marriage. In no way do I believe that anyone else's marriage—and who they choose to marry—threatens me or my marriage. I think it is absurd to think that others should not have the same right as I have to be in a loving, committed relationship. They already have all of the legal rights, but why can't they have what I have, what the rest of us have? Why can't my colleague from Senate District No. 7, my friend, have the same right as I enjoy?

I am grateful that opinions change and times evolve, because if they did not, women would not have the right to vote. I would not be standing here today with this microphone in my hand if things had not changed.

SENATOR HAMMOND:

Thank you, Mr. President. Like my colleague from Senate District No. 2, I do not get up often and speak. My heart is beating quickly too. As we look back on what we have done here on this Senate Floor, we have not had many bills with disagreements in front of us to vote on. I think the

reason is because this Body works diligently on collaboration and very hard on compromise. I find it a pleasure and a privilege to serve here.

I am grateful for the comments from my colleague from Senate District No. 7. There are many times when I sit across from him, and others at lunch, and I do enjoy his company. I have members of my own family who are gay. I do not speak in opposition to Senate Joint Resolution No. 13 with any less love for my colleagues than I do for those in my own family.

It was in 1999 that members of the Coalition for the Protection of Marriage got together and started to gather signatures. They had to gather 10 percent of the signatures of the people who voted in the last election. They needed approximately 40,000 signatures in order to put this issue on the ballot. From the information I was given, they were able to garner more than 200,000 signatures. They did the same process again two years later. Many of the people of the State of Nevada spoke on this issue. The item was passed by the voters with a convincing majority of votes.

My colleague from Senate District No. 1 mentioned that Senate Joint Resolution No. 13 puts the issue of same-gender marriage in front of the people. It has already been there twice within the last 11 years. I know that attitudes and opinions do change over time, but I would be more comfortable with this if it went through the initiative process once again in order to have the definition reconsidered. As it is today, I cannot support sending this back to the voters. It should go through the same process as it did in 2000 and 2002 rather than as a result of a minimum of 33 people from this Legislature endorsing it to go to the voters.

I want to thank those who have participated in this discussion. It has not been easy for anyone. There are passionate views on both sides. I appreciate serving with my colleagues here. Those are the reasons I will be voting against this bill.

SENATOR HARDY:

Thank you, Mr. President. I personally believe that marriage between a man and a woman is ordained by God. I believe the divine plan of happiness enables family relationships to even be perpetuated beyond the grave. I do not believe Senate Joint Resolution No. 13 will strengthen the family as the fundamental unit of society. I believe I can still respect and appreciate people who disagree with me on this issue. Likewise, I have appreciated those who have been patient and tolerant of me and my beliefs.

SENATOR SEGERBLOM:

Thank you, Mr. President. First, I want to apologize to anyone who feels the amendment to Senate Joint Resolution No. 13 was a last-minute surprise. It was not our intention. We thought the discussions around the topic were sufficient. Nonetheless, I apologize for that.

Second, I hear a complaint that the definition of marriage does not belong in the *Nevada Constitution* and that somehow putting it in there is inappropriate; it should be taken out. I would like to point out that marriage currently is in the *Nevada Constitution*, and it has been there for 11 years. I have not heard any protests to remove it from the *Nevada Constitution* until now. Those who are saying they do not want the proposed changes to marriage in the *Nevada Constitution* have not been working to get the definition out of the *Nevada Constitution* during the past 11 years. When this passes following a vote of the people in 2016, marriage will have been in the *Nevada Constitution* for 15 years. In the *Nevada Constitution* today, it says gays and lesbians cannot marry. What Senate Joint Resolution No. 13 proposes to do is to change the word “cannot” to “can.”

With your permission, I will return here in 2030 and we can all vote to take marriage out of the *Nevada Constitution* for once and for all. In the meantime, since same-gender marriage will be defined in the *Nevada Constitution* as being prohibited for 15 years (when the people vote in 2016 to reverse it), we should leave it in as not being prohibited for the same amount of time (another 15 years) to be fair. I urge you to support Senate Joint Resolution No. 13. Do not worry about whether marriage is in the *Nevada Constitution* or not because it is. Let us make it clear that marriage is for everyone, not just a select group of people.

SENATOR JONES:

Thank you, Mr. President. I did not plan to speak on this issue. As it has played out in the newspapers, it is a personal, difficult decision. Like my colleagues, my heart has been racing since the vote on this item has come before us.

Nearly every Sunday for the past decade, I sit with my mother-in-law, father-in-law, my brother-in-law and the rest of my family at church. My brother-in-law Bryce is an Eagle Scout. He sang in a church choir with Gladys Knight for many years. Bryce is gay and has been “out” since my wife and I were married 18 years ago.

I have heard some of my Republican colleagues say they would have supported a repeal of the existing constitutional protections but cannot support Senate Joint Resolution No. 13. I struggled with this issue, and I looked at the option of a repeal over and over. I looked for ways we could get to the same result, but I came to the conclusion that there is no way to give those who love one another, regardless of gender, the protections we all deserve.

In the hallway on Friday, Richard Ziser was overheard remarking to one of my colleagues that if Senate Joint Resolution No. 13 passed with my vote, that I was “as good as gone in the next election cycle.” I hope that is not true. However, I would rather lose an election than look my brother-in-law in the eye every Sunday and tell him that he should not have the same rights as I do, as his sister does.

For Bryce, I will be voting yes.

SENATOR DENIS:

Thank you, Mr. President. This is a deep issue for many individuals. I have spent a lot of time thinking and praying. My personal views on this issue have not changed. I share the same religious views as several members of this Body. I believe that marriage should be between a man and a woman. However, I also feel that I represent others, a constituency that is not decided on this issue. I represent a constituency who should have the opportunity to be heard. While it is a difficult decision—and because of that difficulty—the people of the State of Nevada should have the opportunity to vote on this issue. That is why I will be voting in favor.

SENATOR BROWER:

Thank you, Mr. President. I rise in opposition to Senate Joint Resolution No. 13. I agree with much of what my colleague from Senate District No. 13 said and with the comments of my colleague from Senate District No. 11, and most importantly, my colleague from Senate District No. 7, who I was proud to support back in 1999 when we passed the law that put sexual orientation into our non-discrimination statute here in Nevada. There was some hand wringing about that issue back then, but it passed with bipartisan support, and everyone moved on. I have not heard a single person say a single thing about that bill since. That is the way a lot of things around here work. We think things are controversial, and they turn out not to be.

I am opposed to Senate Joint Resolution No. 13 as amended for a couple of reasons. We do not need to belabor the process. I appreciate my colleague’s apology for the way the amendment was handled. The amendment did not get a hearing, nor was it on our desks at the time we took it up on the Floor. But, we all know by now what the amendment says.

The original version of Senate Joint Resolution No. 13 made a lot of sense. It would have given the voters of our State a choice to repeal the provision that is currently in the *Nevada Constitution*. I believe that approach would have had broad bipartisan support. With the amendment, we are talking about changing the *Nevada Constitution* in a way that no other state in the union has. We would be the first. Some may say we might as well be first on this. I am not sure this makes sense.

I do not believe a definition of marriage should be in the *Nevada Constitution*. I may hold a unique position among those opposing Senate Joint Resolution No. 13 in that I voted against Question 2 in 2002 because I did not think the issue should be in our *Nevada Constitution*. I thought it was mean spirited. I am not going to stand here and tell you in 2002 I was one of the few who thought marriage should not be between a man and a woman. Most people, and certainly most politicians including the President of the United States in 2002, thought marriage should be between a man and a woman.

I also felt at the time that the feeling of those folks would likely change over time. If it did change, this Body ought to be able to change the *Nevada Revised Statutes* to reflect that change.

It should not require a constitutional change. That is why I voted against Question 2 back in 2002. For that same reason, I cannot support Senate Joint Resolution No. 13 as amended.

I am not sure why Senate Joint Resolution No. 13 was amended. It is not something that anyone has discussed with me, although I am quick to acknowledge it is not up to the proponents of the bill to come to me for strategic advice. It is something that was not debated, and it was not heard. I did not have a chance to give any input. I was doing some research on the evolution of Senate Joint Resolution No. 13, and I found that the chief sponsor of the resolution said back in March, "Repeal is all we need right now. It gives it to a vote of the people." I agree.

I acknowledge that the feeling of the voters in Nevada has evolved and we ought to let the people of our State decide whether they believe this definition ought to be in the *Nevada Constitution*. This proposal, however, goes well beyond that. As a result, I cannot support it. I wish we were not here. If more Nevadans voted like I did on Question 2 in 2002, we would not be here talking about a change to the *Nevada Constitution*. I say give it to the people and let them vote to take it out. Then, we will deal with the issue at the Legislature to change *Nevada Revised Statutes*.

SENATOR ATKINSON:

Thank you, Mr. President. Like my colleague from Senate District No. 9, I was not going to speak tonight. We sometimes have long floor debates where we stand and speak, and we fail to change anyone's mind. Everyone knows what they are going to do on this issue.

What I do find is an artificial target. I listened to my colleague from Senate District No. 11 speak passionately about this issue. He said his heart was pounding, as did others. Mine is popping out of my suit as well. This is a very important issue.

I have looked at the original intent of Senate Joint Resolution No. 13, and I have looked at the amendment. I am a bit appalled that it was suggested that a last-minute amendment shocked members of this Body. Everyone in this House knows this is business as usual. This should not be the reason to reject something of this magnitude of importance.

My colleague from Senate District No. 15 spoke about his vote in 2002. And my colleague from Senate District No. 11 spoke of interracial marriage being prohibited. My parents divorced a long time ago, and my father remarried. I have six half-sisters because my step mother is white. I have seven mixed-race siblings as well. I have seen these struggles unfold in my own family.

Here we are in 2013, and we are still talking about equality. We are still talking about something that we should have moved beyond. I said in Committee that people should mind their own business and allow people to do what they want. It is unfortunate we are making this a partisan issue because it is not.

I am 44 years old. I have a daughter. I am black, and I am gay. I have dealt with a lot of what folks are talking about. Some of you are hearing me say this for the first time: I am a black, gay male. I have heard comments about me and this resolution. I have heard comments about people I care deeply for. I have heard some nasty, ugly things said in my presence because those speaking did not realize I am gay. For people who know me well, for me to not say something takes a lot of restraint. To hear what I am hearing, and knowing the respect I have for others, I am disappointed.

I had a constituent say to me a few years ago, when I voted in favor of domestic partnerships, that she was not going to vote for me anymore because I was diluting her marriage with that action. I heard my colleague from Senate District No. 13 say this does nothing to hamper her marriage so I repeat it now. Some people have it in their heads that if marriage equality is passed, it somehow interrupts their marriage. If the passage of Senate Joint Resolution No. 13 somehow interrupts your marriage, your marriage was in trouble in the first place.

Even though I do not think my remarks have the power to sway anyone here tonight, I encourage my colleagues to vote in favor of Senate Joint Resolution No. 13. We are voting to send this to the voters. Some are saying how the voters will respond, but I recall the comments of my colleague around what happened in 2002 when it was on the ballot. Signatures had to be collected. That is moving the target, and it is not what we are here to discuss. We are sending this decision back to the voters, and if people are that worried about the voters approving a change in the definition of marriage, it is all the more reason to do it. I think that is what the

opposition is actually about—if you were not worried about the current definition changing, you would not be worried about sending it back to the voters to decide. The fact is some are concerned that the voters have changed their minds. That a different demographic will vote in our State, and it will pass. I say send it to the voters and let them decide.

SENATOR MANENDO:

Thank you, Mr. President. I rise in support of Senate Joint Resolution No. 13. I think we all have people close to us who are gay. They may be our neighbors or family members. They may be both. I would like to talk about a couple I have known for years—constituents of mine. They get up each day and go to work. They pay their taxes. They support schools, libraries and parks. They obey the law. They take care of their lawn. They love their community. They volunteer at schools. They are wonderful people; some of the best people I have met in my life.

When Senate Joint Resolution No. 13 emerged this Session, I reached out to them to see how they felt about it. Surprisingly, they were very concerned. They expressed concern that placing this on the ballot would put them through hell again in their neighborhood. These two fine gentlemen were ridiculed and embarrassed—people put signs in their lawn calling them “queers.” Before the election, everyone loved them because they are good citizens and wonderful people in the community. Nobody knew otherwise until they put a sign in their yard against Question 2 back in 2002—I actually met them going door to door campaigning against Question 2. They just were not sure they could go through another election like that. They expressed hope that the courts might just decide this issue so they would not have to be criticized and ridiculed. These are the kind of people who do the right thing every day. They do not bug anyone; they do not disrespect others. They just want to love each other, be married and not be criticized.

As conversations went on between me and my friends on Senate Joint Resolution No. 13, we discussed both sides of the issue going to the ballot. After many emails, phone calls and one-on-one conversations, they came back to me and said, “Pass Senate Joint Resolution No. 13. We are ready and willing to help take on the fight even though it will be the hardest thing we ever do.” It’s so sad to have to anticipate being ridiculed in your own neighborhood for your beliefs. It is sad people are so fearful of something going onto the ballot.

My friends want to see same-gender marriage on the ballot so the people can decide. I am convinced there has been a change of heart in Nevada and in our country about this issue. I am willing to vote yes to put this on the ballot for the people of the great State of Nevada to decide.

SENATOR KIHUEN:

Thank you, Mr. President. I rise in strong support of Senate Joint Resolution No. 13. I keep hearing the word “evolution” tonight. I have never said this publically, but tonight is the right time to do it. All of my life I have been raised Catholic. I go to church every Sunday with my parents. These are two parents who believe in a marriage being between a man and a woman. I was raised to believe that too.

Every Sunday when I go to church, I talk to the priest and fellow congregants. People talk to me about their concerns about the world becoming too progressive. I do not argue with them. I actually agree with them. This country is changing. Nevada is changing. We must change with Nevada.

Just a few sessions ago, my colleague from Senate District No. 7 was the only openly gay member out of 63 members of this Body. Today, we have at least four members, perhaps five, who are open about being gay. What does that tell you? It tells you the people of Nevada, who know their representatives and who also know those representatives are openly gay, will still elect them into office to make decisions on their behalf.

Nevada is changing, and we must change too.

All of my life I have been a devout Catholic, and I still am. Up until a couple of years ago, I believed marriage was between a man and a woman. I used to argue with my girlfriend—who is a lot more progressive than me, by the way, and who used to get mad at me and urge me to get with the times. She reminded me not to believe everything my church says. I love my girlfriend. She does not give me bad advice.

After talking with so many people—from campaigning and knocking on so many doors and listening to real-life stories about people serving in the military to protect this country—people who are giving so much to this country, they deserve the same thing that we all deserve.

Back in the 1960s, it was African-Americans who were fighting against discrimination. Before that, it was women who were fighting for the right to vote. Today we see it with immigrants and we see it with gay Americans. If you truly believe in equality, let us give equality to the people of Nevada. Let us give equality to Americans. Just as I have evolved on this issue, I know many of my constituents have as well.

I believe in this from my heart because I talk to people every day. There are proud, gay Americans, and they are people just like you and me. They deserve this. I urge you to support Senate Joint Resolution No. 13.

SENATOR SPEARMAN:

Thank you, Mr. President. I am deeply moved by the statements of everyone on both sides of this issue. As my colleague just said, this is really about equality. I know some think civil unions are enough, but that does not produce the same economic rights others have. When two opposite gender people get married, they can file their taxes jointly. When two opposite gender people get married, and one goes to the hospital, there is no question the spouse can come visit them and there is no question the spouse can stay with them at their bedside.

There are those who would say we already have equality, we just want it to be separate. But in the words of a young attorney, who, in 1954, arguing before the Supreme Court of the United States for the National Association for the Advancement of Colored People in the case of *Brown v. the Topeka Board of Education*, said: “Separate is not equal.” Earlier today, as this august Body deliberated Senate Bill No. 192, I stood in opposition because I said then that people can use religion as a way to discriminate.

It is not about my theology nor is it about my biology, it is really about equal rights. It is asking the people of Nevada: do you want all citizens of this State to have the same rights. Because right now, same-gender couples have taxation without representation. They do not have the same rights or the same liberties.

I want to quote from testimony I gave earlier because I think it is rather apropos, “freedom means nothing left to lose.” As an African-American woman, who in 1969, helped to integrate an all-white school in Holtville, Alabama, I was spit at. In Tennessee, I went into a restaurant where they said “colored people go to the back.” I entered through the front. They brought me the hamburger I ordered, but it was spit on before it was given to me. I know what it feels like when people want to push separate but equal. I am here to tell you, Thurgood Marshall was right, separate is not equal.

Quoting from Dr. Martin Luther King, Jr. in response to a letter that was sent to him admonishing him to wait and not rush to get civil rights for “Negroes,” he said:

“Such an attitude stems from a tragic misconception of time. From the strangely rational notion that there is something in the very flow of time that will inevitably cure all ills. Actually, time itself is neutral; it can be used either destructively or constructively. More and more, I feel that the people of ill will have used time much more effectively than people of good will. We will have to repent in this generation, not merely for the hateful words and actions of the bad people, but for the appalling silence of the good people. Human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men and women willing to be coworkers with God. Without this hard work, time itself becomes an ally of the forces of social stagnation.”

I, too, was taken aback by my colleagues assertion that the amendment to Senate Joint Resolution No. 13 was a surprise. I am not sure what else we could have done with respect to the dialogue. Certainly after this debate is over I will go back and reflect pensively on it. I was of the understanding that when you communicate with people and the north-south nod takes place that people either agree or understand; when they do not, they come back.

Freedom means nothing less to lose. Time is not on our side. We have toiled too long with walls of partition that have divided us. First, it was free and slave. Then it was free Negro and former slave masters. Then it was Jim Crow. People said you should have the right to live

wherever you want to; in reality, African Americans could not. Somewhere along the line, we picked up the right for women to vote, after a very long struggle.

All we are saying this evening is let the people have a voice when we discuss equality.

It has been said that we are changing the definition of marriage. I respectfully disagree. Because whatever your definition is of marriage remains intact. It does not change your personal definition of marriage. When we put this issue in the religious realm, it is much like the arguments around baptism—whether you should be baptized and dipped, baptized and sprinkled or baptized and poured. When we argue these things in the religious realm, nobody wins. Your religious beliefs are just that—your beliefs.

People are constantly saying marriage equality is a threat to marriage. A long time ago, I figured out that what really threatens marriage is adultery. However, I do not see anyone trying to criminalize that. Marriages in this country have been in trouble for a long time. If you stop and think about it, the irony of our debate this evening is the fact that more and more opposite-gender couples are seeking to remain unmarried and simply live together.

My beliefs differ from yours and yours differ from mine. There are things we agree on and others we disagree on. Religion has no place in this debate. Because, this is about equality.

People want to talk about biblical marriages. I ask them which one would they like to discuss: Abraham's marriage? He was married to his half-sister. Jacob's marriage: His mother sent him to her brother's house to marry his first cousin. Should we talk about David or his son Solomon? He had several wives as well as 1,500 concubines. Which biblical marriage should we refer to? The language in Senate Joint Resolution No. 13 is not as drastic as what we read in the Old Testament concerning marriage.

As my colleague said from Senate District No. 3, marriage is already in the *Nevada Constitution*.

For those who say let's take it one step at a time, I go back to Dr. King—"Now is the time. We have waited far too long. Soon history will judge us either by our work for justice or our silence on the sidelines."

Once again, my colleagues, I urge you to support Senate Joint Resolution No. 13 which simply sends a question back to the people, "Will you support marriage equality?"

Roll call on Senate Joint Resolution No. 13:

YEAS—12.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Roberson, Settelmeyer—9.

Senate Joint Resolution No. 13 having received a constitutional majority, Mr. President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

Senate Bill No. 229.

Bill read third time.

Remarks by Senators Ford, Settelmeyer and Parks.

SENATOR FORD:

Thank you, Mr. President. Senate Bill No. 229 repeals the provisions of Senate Bill 271 of the 2011 Legislative Session. Senate Bill 271 of the 2011 Legislative Session, Chapter 530 of *Statutes of Nevada*, provides for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact under certain circumstances. This withdrawal will take effect on October 1, 2015, unless the governing body of the Tahoe Regional Planning Agency adopts an updated Regional Plan and certain proposed amendments to the Compact.

These amendments include: (1) the removal of the supermajority requirement for the governing body of the Agency to vote on matters considered by the Tahoe Regional Planning Agency; (2) requiring the Regional Plan of the Tahoe Regional Planning Agency to consider the Lake Tahoe Basin's changing economic conditions; and (3) adding language to the Compact

providing that a person who challenges the Regional Plan has the burden of proof to show that the plan violates the Compact.

The Governor may issue a proclamation extending this withdrawal deadline to October 1, 2017. Senate Bill 271 specifies that if Nevada withdraws from the Compact, the Nevada Tahoe Regional Planning Agency will assume the duties and powers currently held by the bi-state Agency for the portion of the Lake Tahoe Basin within this State; any approval for a project that was issued by the Tahoe Regional Planning Agency remains valid.

On December 12, 2012, the Governing Board of the Tahoe Regional Planning Agency adopted an update to the Lake Tahoe Regional Plan. The Plan was challenged in federal district court on February 11, 2013. I urge your support.

SENATOR SETTELMAYER:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 229. There was much discussion during Committee about this issue. I think everyone here agrees with the importance of Lake Tahoe and the desire of all of us to make sure the environmental concerns going forward are addressed.

We need to do more for the Lake Tahoe area. Unfortunately, in the past and due to the current litigious nature at Lake Tahoe, we are prevented in many respects from being able to effect environmental concerns. I agree with Dianne Feinstein who said: "The only way we will see anything green at Tahoe is with green." We need private-sector resources to come to the Tahoe Basin in order to address the issues. Unfortunately, the current structure is not allowing it.

Part of the discussion around Senate Bill 271 of the 2011 Legislative Session was the Regional Plan update. What is being failed to mention is part of the Regional Plan update is the local area plans. None of them have gone forward for passage by the individual counties. Therefore, they are still in threat of litigation coming forward. In that respect, I feel Senate Bill 271 of the 2011 Legislative Session should be left in place so we can continue to use it as a point of discussion on environmental issues through cooperation, in helping to stave off litigation and actually achieve environmental gains in the Tahoe Basin.

If we go back to the history of issues on Lake Tahoe, it was now-United States Congressman Mark Amodei who went to California, he was summarily kicked out of the California Legislature because he did not follow the proper protocol to be there. Therefore, they did not want to talk to him. We have come a long way. A former Senator from Senate District No. 1 and I went to California and met with a California Senator.

We continue to walk the path. It was only a few short weeks ago that I was able to meet with four representatives of the California Legislature, here in Carson City and with the Speaker of the Nevada Assembly. We tried to address the issues we are discussing tonight with Senate Bill No. 229. I have been in constant communication with these representatives from California. They were here at the table. They said the reason they were here was because of S.B. No. 271 of the 76th Session. They acknowledged that if we passed Senate Bill No. 229 out of Committee, they would no longer return my calls. I called after Senate Bill No. 229 passed out of Committee, and I have yet to receive a return call. I urge your opposition to this bill because it does more environmental harm than it does good.

SENATOR PARKS:

Thank you, Mr. President. I rise in support of Senate Bill No. 229. I introduced it as a committee bill. I also served on the Tahoe Regional Planning Agency oversight committee for the last three interims. There will always be adversity and differences of opinion regarding Lake Tahoe and the Tahoe Regional Planning Agency. We certainly got the message across in S.B. No. 271 of the 76th Session.

We are seeing things happening that we do not want to have happen, and that was why I submitted the bill draft request to rescind S.B. No. 271 of the 76th Session. California has already moved to have hearings on a bill that would allow them to go their separate way. California Senate Bill 630 has been approved and forwarded to their appropriations committee.

I think we can look at this as a situation where we have made our point, and it is time now to move forward with Senate Bill No. 229.

SENATOR FORD:

Thank you, Mr. President. I was at the hearing for the bill being discussed. The hearing took place in the Committee which I Chair. The vote was three in favor and two opposed. It was interesting testimony on all sides. Two things convinced me: (1) I agree with my colleague from Senate District No. 17, that the impetus to get some work done may have been the last bill. Like I said at the hearing, I do not believe that if we rescind or pull out, they will stop talking. I was not persuaded at the hearing in that regard, and I do not believe so now. (2) Beyond that, something which was impressive to me is that we are hinging our participation in this compact on something we cannot control—an act of the United States Congress. The only way this will be amended is if Congress acts. We can hardly make ourselves do anything, let alone force Congress to act. It puts us in a perilous situation. We are in a corner we need to get out of. I urge you to support this bill.

Roll call on Senate Bill No. 229:

YEAS—11.

NAYS—Brower, Cegavske, Goicoechea, Gustavson, Hammond, Hardy, Hutchison, Kieckhefer, Roberson, Settelmeyer—10.

Senate Bill No. 229 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 22, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 498.

MARK KRMPOTIC
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 21.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 440.

"SUMMARY—Revises provisions governing state financial administration. (BDR 31-379)"

"AN ACT relating to state financial administration; making various changes to provisions governing debt collection by the State Controller; providing a uniform rate of interest on certain debt assigned to the State Controller for collection; revising provisions governing refunds of overpayments on debt owed to the State; ~~prohibiting the issuance of~~ adding various requirements for renewal of ~~for~~ certain professional or occupational ~~license to persons who owes a debt to the State; revising provisions governing costs and fees relating to the collection of a debt owed to the State; revising provisions governing money deposited in the Debt Recovery Account in the State General Fund;~~ licenses; requiring the State Controller to establish a fee that must be paid by certain payees who refuse to accept an electronic payment of an account payable; ~~setting forth administrative fines that may be imposed under certain circumstances by the Board of the Public~~

~~Employees' Benefits Program against certain contractors under its program of group health insurance and by the Administrator of the Division of Health Care Financing and Policy of the Department of Health and Human Services against certain contractors under the State Plan for Medicaid;]~~ requiring the State Controller to pay the salaries and wages of all state officers and employees through an electronic payment system; requiring state officers and employees, with limited exceptions, to receive payment of their salaries and wages through the electronic payment system; removing certain duties of the Chief of the Administrative Division of the Legislative Counsel Bureau concerning the payment of the salaries and wages of Legislators, employees of the Legislature and employees of the Legislative Counsel Bureau; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law sets forth provisions governing the collection of debts owed to a state agency. (Chapter 353C of NRS) Section 2 of this bill provides a uniform rate of interest that is applicable to each debt which is assigned by a state agency to the State Controller for collection and which is subject to the payment of interest pursuant to a specific statute or regulation. Section 3 of this bill provides that the State Controller is not required to refund overpayments on debt owed to the State that are less than ~~[\$5]~~ \$10 unless the refund is timely requested in writing. ~~[Section]~~ Sections 4, 7.1-7.9 and 13-66 of this bill ~~[, subject to certain exceptions, prohibits a]~~ prohibit certain licensing [agency] agencies from [issuing or] renewing [any license, certification, registration, permit] licenses, certifications, registrations, permits or other [authorization] authorizations that [grants] grant a person the authority to engage in [a profession] certain professions or [occupation] occupations in this State if : (1) ~~the [person's name appears on a list of persons who owe]~~ person owes a debt to a state agency which [is established and maintained by] has been assigned to the State Controller [,] for collection; or (2) the person has not provided to those licensing agencies certain information relating to state business licenses.

Section 5 of this bill revises the costs and fees that certain debtors must pay for the collection of a debt owed to the State. Section 6 of this bill provides that if the State Controller sells a debt after the statutory period for the collection of the debt has expired, the money received must be deposited in the Debt Recovery Account in the State General Fund. Sections 7 and 8 of this bill establish a process by which an agency may submit a written request to the Interim Finance Committee to contest the determination of the State Controller to deposit certain money collected by the State Controller in the Debt Recovery Account. Section 9 of this bill requires the State Controller to establish by regulation a fee that must be paid to the State Controller by certain payees that refuse to accept electronic payment of an account payable. ~~[Existing law provides for the establishment of the Public Employees' Benefits Program and for group health insurance to be offered under the Program. (NRS 287.043) Section 10 of this bill requires a licensed~~

~~administrator that contracts with the Board of the Program to process or pay claims of vendors or providers relating to such group health insurance to ensure that each such vendor or provider is properly licensed or otherwise legally authorized to do business, and authorizes the Board to impose administrative fines for violations.~~

~~Existing law requires the Director of the Department of Health and Human Services to adopt a State Plan for Medicaid and requires the Administrator of the Division of Health Care Financing and Policy of the Department to administer the State Plan for Medicaid subject to administrative supervision by the Director. (NRS 422.271, 422.301) Existing federal law governing Medicaid defines a fiscal agent as a "contractor that processes or pays vendor claims on behalf of the Medicaid agency." (42 C.F.R. § 455.101) Section 12 of this bill requires a fiscal agent that contracts with the Division to process or pay claims of vendors or providers under the State Plan for Medicaid to ensure that each such vendor or provider is properly licensed or otherwise legally authorized to do business, and authorizes the Division to impose administrative fines for violations.]~~

Sections 8.5 and 9.1-9.3 of this bill require the State Controller: (1) to establish an electronic payment system to pay the salaries and wages of all state officers and employees through the use of direct deposit; and (2) to pay the salaries and wages of all state officers and employees through the electronic payment system unless the State Controller determines that participation in the electronic payment system would cause the state officer or employee to suffer undue hardship or extreme inconvenience.

Section 8.3 of this bill removes certain duties of the Chief of the Administrative Division of the Legislative Counsel Bureau, as ex officio Legislative Fiscal Officer, concerning the payment of the salaries and wages of each Legislator, employee of the Legislature and employee of the Legislative Counsel Bureau.

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

Section 1. Chapter 353C of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *If an agency assigns a debt to the State Controller for collection pursuant to NRS 353C.195 and the debt is subject to the payment of interest pursuant to a specific statute or regulation, interest must accrue on the debt at the rate most recently established pursuant to NRS 99.040 beginning on the date of the assignment of the debt to the State Controller, notwithstanding any other rate of interest set forth in the specific statute or regulation.*

Sec. 3. *The State Controller is not required to draw a warrant to refund an overpayment of a debt which is paid to the State Controller if the amount of the overpayment is less than ~~+\$5.~~ \$10, unless the debtor, not later than 1 year after the date of the overpayment, submits a written request to the State Controller for payment of the refund.*

Sec. 4. 1. *The State Controller shall ~~not~~*

~~(a) Establish~~ establish and maintain a list of persons who owe a debt to an agency ~~for~~ and

~~(b) Make the list available to each licensing agency;~~ that has been assigned to the State Controller for collection pursuant to NRS 353C.195.

2. A licensing agency ~~for~~

~~(a) Shall not issue a license to or renew the license of any person unless:~~

~~(1) The licensing agency has confirmed that the name of the person or any other name by which the person has been known does not appear on the list established by;~~ shall provide to the State Controller ~~pursuant to subsection 1;~~

~~(2) If the;~~

~~(a) The name, address and social security number of the person or any other name by which the person has been known appears on the list established by the State Controller pursuant to subsection 1, the licensing agency has received satisfactory evidence that the person seeking the issuance or renewal of the license is not the person whose name appears on the list; or~~

~~(3) The licensing agency has received satisfactory evidence that the debt has been satisfied.~~

~~(b) May;~~ each licensee; and

~~(b) The state business license number of the licensee or, if the licensee does not have a state business license, the reason that the licensee is not required to obtain a state business license.~~

3. A licensing agency shall provide the information described in subsection 2:

~~(a) If a license issued by the licensing agency is valid for 1 year or more from the date of issuance;~~

~~(1) On or before February 1 of each year for licensees who renewed licenses from July 1 through December 31 of the previous calendar year; and~~

~~(2) On or before August 1 of each year for licensees who renewed licenses from January 1 through June 30 of the current calendar year; or~~

~~(b) If a license issued by the licensing agency is valid for less than 1 year from the date of issuance, not later than 60 days after the date on which applications for renewal must be received by the licensing agency.~~

4. If the State Controller determines that the name of any licensee appears on the list established by the State Controller pursuant to subsection 1, the State Controller shall:

~~(a) Inform the licensing agency of that fact; and~~

~~(b) Send a written notice to the licensee, which includes, without limitation:~~

~~(1) The amount of the debt;~~

~~(2) A request for payment of the debt;~~

~~(3) Notification that the licensee may enter into an agreement with the State Controller pursuant to NRS 353C.130 for the payment of the debt;~~

(4) Notification that the licensee must respond to the notice within 30 days after the date on which the notice was sent;

(5) Notification that the licensee may request a hearing to determine the validity of the debt not later than 30 days after the date on which the notice was sent; and

(6) Notification that the licensing agency is prohibited from renewing the license of the licensee unless the licensee pays the debt, enters into an agreement for the payment of the debt pursuant to NRS 353C.130 or demonstrates to the State Controller that the debt is not valid.

5. The State Controller shall notify the licensing agency if the licensee does not pay the debt that has been assigned to the State Controller for collection, enter into an agreement for the payment of the debt pursuant to NRS 353C.130 or demonstrate that the debt is not valid. A licensing agency shall not renew the license of the licensee who is the subject of the notification until the State Controller notifies the licensing agency that the licensee has:

(a) Satisfied the debt;

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

(c) Demonstrated that the debt is not valid.

6. A licensing agency may not be held liable in any civil or criminal action for:

~~[(1)]~~ (a) Refusing to ~~issue or~~ renew a license because the name of the person or any other name by which the person has been known appears on the list established by the State Controller pursuant to subsection 1 and the licensing agency has not received ~~satisfactory evidence~~ notification from the State Controller that:

~~[(1)]~~ (1) The person seeking the ~~issuance or~~ renewal of the license is not the person whose name appears on the list ~~or~~ or has demonstrated that the debt is not valid; or

~~[(1)]~~ (2) The debt has been satisfied ~~or~~ or the person has entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

~~[(2)]~~ (b) Any other action taken by the licensing agency in good faith to comply with the provisions of this section.

~~[(3)]~~ 7. The State Controller shall verify with the Secretary of State the information related to the state business license of each licensee.

8. The State Controller shall adopt such regulations as the State Controller determines necessary or advisable to carry out the provisions of this section.

~~[(4)]~~ 9. As used in this section:

(a) "License" means any license, certification, registration, permit or other authorization that grants a person the authority to engage in a profession or occupation in this State.

(b) "Licensee" means a person to whom a license has been issued.

(c) "Licensing agency" means any agency ~~[that issues or renews a license]~~, board or commission that regulates an occupation or profession except for the Department of Motor Vehicles, the Division of Insurance of the Department of Business and Industry, the Commissioner of Insurance or any local government.

Sec. 5. NRS 353C.135 is hereby amended to read as follows:

353C.135 1. Except as otherwise provided in subsection 2 or by a specific statute, a person who owes a debt of more than \$300 pursuant to this chapter shall, in addition to the debt, pay:

(a) ~~[The]~~ If the State Controller has entered into a contract pursuant to NRS 353C.200 with a private debt collector or any other person for the assignment of the collection of the debt ~~[, the]~~ :

(1) A fee payable to the State Controller in the amount of 2 percent of the amount of the debt assigned to the State Controller for collection pursuant to NRS 353C.195;

(2) The amount of the costs and fees ~~[actually incurred to collect the debt; and]~~ established in the contract; and

(3) Any additional costs and fees actually incurred to collect the debt;
or

(b) If the State Controller has not assigned the collection of the debt pursuant to NRS 353C.200:

(1) A fee payable to the State Controller in the amount of 2 percent of the amount of the debt assigned to the State Controller for collection pursuant to NRS 353C.195 ~~[, and]~~

(2) An amount payable to the State Controller for costs and fees which is equal to a percentage of the amount of the debt recovered. The State Controller shall calculate the appropriate percentage pursuant to this subparagraph that is applicable to the debt by reducing by 5 percentage points the lowest such percentage established in any contract entered into by the State Controller pursuant to NRS 353C.200 that was effective at the time the debt was incurred.

(3) Any additional costs and fees actually incurred to collect the debt.

2. The total amount of costs and fees required pursuant to subsection 1 must not exceed 35 percent of the amount of the debt or \$50,000, whichever is less. Any prejudgment or postjudgment interest on the debt authorized by law must not be included in the calculation of the costs and fees actually incurred to collect the debt.

Sec. 6. NRS 353C.222 is hereby amended to read as follows:

353C.222 1. If the period of limitation for the collection of a debt set forth in NRS 353C.140 has expired, the State Controller may, in lieu of requesting the State Board of Examiners to designate the debt as a bad debt pursuant to NRS 353C.220, sell the debt to any person.

2. All money received by the State Controller from the sale of a debt pursuant to subsection 1 must be deposited in the Debt Recovery Account created by NRS 353C.226.

Sec. 7. NRS 353C.224 is hereby amended to read as follows:

353C.224 1. If the State Controller collects any money owed to an agency from a debtor or receives any money from a private debt collector or other person to whom the State Controller has assigned the collection of a debt owed to an agency, the State Controller shall, unless prohibited by federal law, transfer the net amount of money owed to the agency:

(a) Except as otherwise provided in paragraph (c), to the Debt Recovery Account created by NRS 353C.226 if the debt is owed to an agency whose budget is supported exclusively or in part from the State General Fund.

(b) Except as otherwise provided in paragraph (c), to an account specified by the agency if the debt is owed to an agency whose budget is supported exclusively from sources other than the State General Fund.

(c) If a specific statute requires the money to be deposited in a specific account or used for a specific purpose, to the specific account required by statute or to the account from which money is expended for the purpose specified.

2. *If the State Controller is unable to determine where to transfer the net amount of money collected pursuant to subsection 1, the money must be deposited in the Debt Recovery Account. If an agency disputes the decision to deposit the money in the Debt Recovery Account pursuant to this subsection, the agency may, not later than 60 days after the money is deposited in the Debt Recovery Account, submit a written request to the Interim Finance Committee seeking its determination of where the money collected pursuant to subsection 1 should be deposited. If an agency fails to submit such a written request timely, the money must remain in the Debt Recovery Account and be used in accordance with NRS 353C.226.*

3. As used in this section, "net amount of money owed to the agency" means the money owed to an agency by a debtor that is collected or received by the State Controller minus:

(a) Any fees owed pursuant to a specific statute to the State Controller for collection of the debt;

(b) Any costs incurred or fees paid by the State Controller to collect any debt assigned to the State Controller for collection by the agency; and

(c) Any interest on the debt collected by the State Controller under the terms of an agreement with the debtor, pursuant to NRS 353C.130, for the payment of the debt on an installment basis.

Sec. 7.1. Chapter 1 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a certificate as a court interpreter must include in the application submitted to the Court Administrator:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. Certification of a court interpreter must not be renewed if:

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

or

(b) The State Controller has informed the Court Administrator pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 7.2. Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Supreme Court may adopt rules that:

(a) Require a person applying for the renewal of a license to practice law to include in the application submitted to the State Bar of Nevada:

(1) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(2) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

(b) Prohibit the renewal of a license to practice law if:

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

(2) The State Controller has informed the State Bar of Nevada pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(I) Satisfied the debt;

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

(III) Demonstrated that the debt is not valid.

2. As used in this section:

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

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

Sec. 7.3. Chapter 7 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Supreme Court adopts the rules described in section 7.2 of this act, the State Bar of Nevada shall:

(a) Require a person applying for the renewal of a license to practice law to include in the application submitted to the State Bar of Nevada:

(1) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(2) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

(b) Not renew a license to practice law if:

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

(2) The State Controller has informed the State Bar of Nevada pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(I) Satisfied the debt;

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

(III) Demonstrated that the debt is not valid.

2. As used in this section:

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

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

Sec. 7.4. Chapter 90 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent must include in the application submitted to the Administrator:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent may not be renewed by the Administrator if:

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

(b) The State Controller has informed the Administrator pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 7.5. Chapter 116A of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a certificate or registration must include in the application submitted to the Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A certificate or registration may not be renewed by the Division if:

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

or

(b) The State Controller has informed the Division pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 7.6. Chapter 119A of NRS is hereby amended by adding thereto the provisions set forth as sections 7.7, 7.8 and 7.9 of this act.

Sec. 7.7. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a sales agent's license must include in the application submitted to the Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A sales agent's license may not be renewed by the Division if:

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

or

(b) The State Controller has informed the Division pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an

agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 7.8. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of registration as a representative must include in the application submitted to the Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS; or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. Registration as a representative may not be renewed by the Administrator if:

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

or

(b) The State Controller has informed the Administrator pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 7.9. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of registration with the Division to engage in the business of, act in the capacity of, advertise or assume to act as a manager must include in the application submitted to the Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS; or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. Registration to engage in the business of, act in the capacity of, advertise or assume to act as a manager may not be renewed by the Division if:

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

(b) The State Controller has informed the Division pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not;

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 8. NRS 218E.405 is hereby amended to read as follows:

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS 284.1729, 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.224, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.090, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 8.3. NRS 218F.510 is hereby amended to read as follows:

218F.510 ~~[1.]~~ The Chief of the Administrative Division is ex officio Legislative Fiscal Officer. As such Officer, the Chief shall keep a complete, accurate and adequate set of accounting records and reports for all legislative operations, ~~[including]~~ *excluding* any records and reports ~~[required by the Federal Government for the administration of federal revenue and income tax laws.~~

~~2. The Chief shall:~~

~~(a) Withhold from the pay of each Legislator, employee of the Legislature and employee of the Legislative Counsel Bureau the amount of tax specified by the Federal Government; and~~

~~(b) Transmit the amount deducted to the Internal Revenue Service of the United States Department of the Treasury.~~

~~3. The Chief shall, upon receipt of information from the Public Employees' Benefits Program specifying amounts of premiums or contributions for coverage by the Program:~~

~~(a) Withhold from the pay of each employee of the Legislature and employee of the Legislative Counsel Bureau who participates in the Public Employees' Benefits Program those amounts; and~~

~~(b) Pay those amounts to the Program.~~

~~4. The Chief:~~

~~(a) May provide for the purchase of United States savings bonds or similar United States obligations by salary deduction for any Legislator, employee of the Legislature or employee of the Legislative Counsel Bureau who submits a written request for these deductions and purchases.~~

~~(b) Shall provide forms authorizing deductions for and purchases of these United States obligations.~~

~~5. The Chief may:~~

~~(a) Withhold from the pay of a Legislator, employee of the Legislature or employee of the Legislative Counsel Bureau such amount as the claimant specifies in writing for payment to the claimant's credit union. Any money which is withheld must be transmitted by the Chief in accordance with the claimant's written instructions.~~

~~(b) Adopt regulations necessary to carry out the provisions of this subsection.] concerning salaries and wages which are paid by the State Controller pursuant to section 8.5 of this act.~~

Sec. 8.5. Chapter 227 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Controller shall establish an electronic payment system to pay the salaries and wages of all state officers and employees through the use of direct deposit.

2. Except as otherwise provided in subsection 3, the State Controller shall pay the salaries and wages of all state officers and employees using the electronic payment system.

3. Upon application by a state officer or employee, the State Controller may waive the participation of the state officer or employee in the electronic

payment system established pursuant to subsection 1 if the State Controller determines that participation in the system by the state officer or employee would cause the state officer or employee to suffer undue hardship or extreme inconvenience.

4. The State Controller may adopt such regulations as he or she determines to be necessary or advisable to carry out the provisions of this section.

5. As used in this section:

(a) "Direct deposit" means payment of the salary and wages of a person by causing the net amount of such person's salary and wages to be deposited in an account maintained in a financial institution in the name of the person.

(b) "State employee" means any person who performs public duties under the direction and control of a state officer for compensation paid by or through the State. The term includes every employee of:

(1) The Executive Department of the State Government, including, without limitation, the Nevada System of Higher Education.

(2) The Legislative Department of the State Government.

(3) The Judicial Department of the State Government.

(c) "State officer" means a person elected or appointed to a position with the State which involves the exercise of a state power, trust or duty, including:

(1) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of state policy;

(2) The expenditure of state money; and

(3) The enforcement of laws and regulations of the State.

Sec. 9. NRS 227.185 is hereby amended to read as follows:

227.185 1. Except as otherwise provided in subsection 2, the State Controller shall pay an account payable electronically.

2. Upon application of a payee or the payee's representative, the State Controller may waive the requirements of subsection 1 if the State Controller determines that the electronic payment of an account payable would cause the payee to suffer undue hardship or extreme inconvenience.

3. *Except as otherwise provided in subsection 2, the State Controller shall adopt regulations establishing a fee that must be paid to the State Controller by a payee that refuses to accept electronic payment of an account payable. The fee must not exceed the actual cost to the State Controller to process the payment.*

4. The State Controller may adopt such *other* regulations as are necessary or advisable to carry out the provisions of this section.

Sec. 9.1. NRS 227.200 is hereby amended to read as follows:

227.200 The State Controller shall:

1. Draw a warrant in favor of any person or governmental payee certified by an agency of state government to receive money from the treasury and

deliver or mail the warrant to the State Treasurer who shall sign the warrant and:

(a) Except as otherwise provided in NRS 227.185, if it is for payment of an account payable, electronically pay the payee or the payee's representative;

(b) If it is for payment of an employee:

(1) ~~[(Deliver) If the employee is not required to receive his or her salary and wages by direct deposit pursuant to section 8.5 of this act, deliver or mail the warrant to the employee or to the appropriate state agency for distribution; or~~

(2) ~~[(Deposit) If the employee is required to receive his or her salary and wages by direct deposit pursuant to section 8.5 of this act, deposit the warrant to the credit of the employee by direct deposit at a bank or credit union in which the employee has an account ; ~~if the employee has authorized the direct deposit~~]; or~~

(c) Deposit the warrant to the credit of the payee through a funds transfer.

2. Keep a warrant register, in which the State Controller shall enter all warrants drawn by him or her. The arrangement of this book must be such as to show the bill and warrant number, the amount, out of which fund the warrants are payable, and a distribution of the warrants under the various appropriations.

3. Credit the State Treasurer with all warrants paid.

Sec. 9.2. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

The agency or governmental entity having jurisdiction over the payment of a state officer or employee shall ensure that the state officer or employee takes one of the following actions within 30 days after the date on which the state officer or employee is hired, appointed or elected, as applicable:

1. Furnish to the State Controller such information as the State Controller may require to pay the salary and wages of the state officer or employee by direct deposit; or

2. Apply to the State Controller for a waiver as described in subsection 3 of section 8.5 of this act.

Sec. 9.3. NRS 281.120 is hereby amended to read as follows:

281.120 1. Except as otherwise provided in this section, all state officers and regular and temporary employees of this State are entitled to receive salaries as fixed by law in two equal semimonthly payments. The first semimonthly payment for each month must be for the first half of that particular month, and the second semimonthly payment must be for the last half of the month.

2. All payrolls must be submitted by individual agencies immediately after the 15th and last day of each month for approval by the Division of Human Resource Management of the Department of Administration, and ~~[(salary checks) payment as approved by the State Controller must be issued]~~

made not later than 10 calendar days following the end of each semimonthly pay period.

3. A state agency or department may be permitted to pay salaries, within the limits fixed by law, at regular 2-week intervals, when it is established to the satisfaction of the Governor that this method of payment will expedite and assist the work of the agency or department without inconvenience to other agencies or departments.

Sec. 10. ~~[Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. If the Board enters into a contract with a licensed administrator to process or pay claims of vendors or providers relating to group health care offered under the Program, the administrator shall ensure that each such vendor or provider is properly licensed or otherwise legally authorized to do business in this State or the jurisdiction in which the vendor or provider provides services under the Program.~~

~~2. If the licensed administrator authorizes payment to a vendor or provider that is not so licensed or authorized to do business, the Board may, after notice and a hearing, impose an administrative fine against the administrator. The fine must not be greater than \$375 for an initial violation, or more than \$3,000 for any second or subsequent violation.~~

~~3. The Board shall remit any money received by the Board pursuant to subsection 2 to the State Controller for credit to the State General Fund.]~~ (Deleted by amendment.)

Sec. 11. ~~[NRS 287.0402 is hereby amended to read as follows:~~

~~287.0402 As used in NRS 287.0402 to 287.049, inclusive, and section 10 of this act, unless the context otherwise requires, the words and terms defined in NRS 287.0404 to 287.04064, inclusive, have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 12. ~~[Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. If the Division enters into a contract with a fiscal agent to process or pay claims of vendors or providers under the State Plan for Medicaid, the fiscal agent shall ensure that each such vendor or provider is properly licensed or otherwise legally authorized to do business in this State or the jurisdiction in which the vendor or provider provides services under the State Plan for Medicaid.~~

~~2. If the fiscal agent authorizes payment to a vendor or provider that is not so licensed or authorized to do business, the Division may, after notice and a hearing, impose an administrative fine against the fiscal agent. The fine must not be greater than \$375 for an initial violation, or more than \$3,000 for any second or subsequent violation.~~

~~3. The Division shall remit any money received by the Division pursuant to subsection 2 to the State Controller for credit to the State General Fund.~~

~~4. As used in this section, "fiscal agent" has the meaning ascribed to it in 42 C.F.R. § 455.101.]~~ (Deleted by amendment.)

Sec. 13. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a certificate as an appraiser must include in the application submitted to the Department:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A certificate as an appraiser may not be renewed by the Department if:

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

(b) The State Controller has informed the Department pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 14. Chapter 379 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of certification by the State Library and Archives Administrator must include in the application submitted to the State Library and Archives Administrator:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. Certification may not be renewed by the State Library and Archives Administrator if:

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

(b) The State Controller has informed the State Library and Archives Administrator pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 15. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license as a teacher or other educational personnel must include in the application submitted to the Superintendent of Public Instruction:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A license may not be renewed by the Superintendent of Public Instruction if:

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

(b) The State Controller has informed the Superintendent of Public Instruction pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 16. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of an agent's permit must include in the application submitted to the Administrator:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. An agent's permit may not be renewed by the Administrator if:

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

(b) The State Controller has informed the Administrator pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 17. Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a certificate as an intermediary service organization must include in the application submitted to the Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS; or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A certificate as an intermediary service organization may not be renewed by the Division if:

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

(b) The State Controller has informed the Division pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 18. NRS 427A.701 is hereby amended to read as follows:

427A.701 1. An intermediary service organization that is certified pursuant to NRS 427A.701 to 427A.745, inclusive, *and section 17 of this act*, may provide services for a person with a disability or other responsible person relating to personal assistance received by the person with a disability. The services that may be provided by an intermediary service organization include, without limitation:

(a) Obtaining a criminal background check of a personal assistant selected by the person with a disability or other responsible person to provide

nonmedical services and any medical services authorized pursuant to NRS 629.091;

(b) Providing payroll services to pay the personal assistant and determine any tax liability;

(c) Providing services relating to financial management; and

(d) Providing any other services relating to the employment of a personal assistant and any other financial assistance relating to the personal assistance for the person with a disability.

2. As used in this section:

(a) "Other responsible person" means:

(1) A parent or guardian of, or any other person legally responsible for, a person with a disability who is under the age of 18 years; or

(2) A parent, spouse, guardian or adult child of a person with a disability who suffers from a cognitive impairment.

(b) "Personal assistance" means the provision of any goods or services to help a person with a disability maintain his or her independence, personal hygiene and safety, including, without limitation, the provision of services by a personal assistant.

(c) "Personal assistant" means a person who, for compensation and under the direction of a person with a disability or other responsible person, performs services for a person with a disability to help the person maintain his or her independence, personal hygiene and safety.

Sec. 19. NRS 427A.743 is hereby amended to read as follows:

427A.743 1. The Division may bring an action in the name of the State to enjoin any person from operating or maintaining an intermediary service organization within the meaning of NRS 427A.701 to 427A.745, inclusive ~~and~~ *, and section 17 of this act:*

(a) Without first obtaining a certificate therefor; or

(b) After the person's certificate has been revoked or suspended by the Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the intermediary service organization without a certificate.

Sec. 20. NRS 427A.745 is hereby amended to read as follows:

427A.745 The district attorney of the county in which an intermediary service organization operates shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provision of NRS 427A.701 to 427A.745, inclusive ~~and~~ *, and section 17 of this act.*

Sec. 21. Chapter 435 of NRS is hereby amended by adding thereto the provisions set forth in sections 22 and 23 of this act.

Sec. 22. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a certificate must include in the application submitted to the Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A certificate may not be renewed by the Division if:

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

(b) The State Controller has informed the Division pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 23. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a certificate must include in the application submitted to the Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A certificate may not be renewed by the Division if:

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

(b) The State Controller has informed the Division pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 23.5. NRS 435.140 is hereby amended to read as follows:

435.140 As used in NRS 435.130 to 435.310, inclusive, and section 22 of this act, unless the context otherwise requires, the words and terms defined in

NRS 435.172, 435.176 and 435.179 have the meanings ascribed to them in those sections.

Sec. 24. NRS 435.3305 is hereby amended to read as follows:

435.3305 As used in NRS 435.3305 to 435.339, inclusive, and section 23 of this act, unless the context otherwise requires, the words and terms defined in NRS 435.331 and 435.3315 have the meanings ascribed to them in those sections.

Sec. 25. Chapter 455C of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a certificate must include in the application submitted to the Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A certificate may not be renewed by the Division if:

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

(b) The State Controller has informed the Division pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 26. Chapter 457 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a certificate of authorization to operate a radiation machine for mammography must include in the application submitted to the Health Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A certificate of authorization to operate a radiation machine for mammography may not be renewed by the Health Division if:

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

(b) The State Controller has informed the Health Division pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not;

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 27. NRS 457.182 is hereby amended to read as follows:

457.182 As used in NRS 457.182 to 457.187, inclusive, and section 26 of this act, unless the context otherwise requires:

1. "Mammography" means radiography of the breast to enable a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

2. "Radiation" means radiant energy which exceeds normal background levels and which is used in radiography.

3. "Radiography" means the making of a film or other record of an internal structure of the body by passing X rays or gamma rays through the body to act on film or other receptor of images.

Sec. 28. NRS 457.187 is hereby amended to read as follows:

457.187 1. The Health Division may impose an administrative fine, not to exceed \$5,000, against the owner, lessee or other person responsible for a radiation machine for mammography for a violation of the provisions of NRS 457.182 to 457.186, inclusive, and section 26 of this act, or for a violation of a regulation adopted pursuant thereto.

2. Any money collected as a result of an administrative fine imposed pursuant to subsection 1 must be deposited in the State General Fund.

Sec. 29. Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of certification as a detoxification technician must include in the application submitted to the Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. Certification as a detoxification technician may not be renewed by the Division if:

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

(b) The State Controller has informed the Division pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not;

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 30. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 31, 32 and 33 of this act.

Sec. 31. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of registration as a gaming employee must include in the application submitted to the Board:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. Registration as a gaming employee may not be renewed by the Board if:

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

(b) The State Controller has informed the Board pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not;

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 32. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license issued pursuant to this section and NRS 463.430 to 463.480, inclusive, must include in the application submitted to the Commission:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A license issued pursuant to NRS 463.430 to 463.480, inclusive, may not be renewed by the Commission if:

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

(b) The State Controller has informed the Commission pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 33. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license as a manufacturer, distributor or seller of gaming devices or mobile gaming systems must include in the application submitted to the Commission:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A license as a manufacturer, distributor or seller of gaming devices or mobile gaming systems may not be renewed by the Commission if:

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

(b) The State Controller has informed the Commission pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 34. NRS 463.480 is hereby amended to read as follows:

463.480 A person, firm, association or corporation, or any of their officers or agents, who violates any of the provisions of NRS 463.430 to

463.460, inclusive, and section 32 of this act, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Sec. 35. Chapter 466 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license issued pursuant to NRS 466.170 must include in the application submitted to the Commission:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A license issued pursuant to NRS 466.170 may not be renewed by the Commission if:

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

or

(b) The State Controller has informed the Commission pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 36. Chapter 467 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license issued pursuant to NRS 467.100 must include in the application submitted to the Commission:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A license issued pursuant to NRS 467.100 may not be renewed by the Commission if:

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

or

(b) The State Controller has informed the Commission pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 37. Chapter 477 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a certificate of registration pursuant to NRS 477.223 must include in the application submitted to the State Fire Marshal:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A certificate of registration issued pursuant to NRS 477.223 may not be renewed by the State Fire Marshal if:

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

(b) The State Controller has informed the State Fire Marshal pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not;

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 38. NRS 477.220 is hereby amended to read as follows:

477.220 As used in NRS 477.220 to 477.226, inclusive, and section 37 of this act, unless the context otherwise requires, the words and terms defined in NRS 477.221 and 477.222 have the meanings ascribed to them in those sections.

Sec. 39. Chapter 505 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a fur dealer's license must include in the application submitted to the Department:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A fur dealer's license may not be renewed by the Department if:

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

or

(b) The State Controller has informed the Department pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 40. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license to drill pursuant to NRS 534.140 must include in the application submitted to the State Engineer:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A license to drill issued pursuant to NRS 534.140 may not be renewed by the State Engineer if:

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

or

(b) The State Controller has informed the State Engineer pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 41. Chapter 544 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license to engage in activities for weather modification and control must include in the application submitted to the Director:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A license to engage in activities for weather modification and control may not be renewed by the Director if:

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

(b) The State Controller has informed the Director pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 42. NRS 544.070 is hereby amended to read as follows:

544.070 As used in NRS 544.070 to 544.240, inclusive, and section 41 of this act, unless the context requires otherwise:

1. "Director" means the Director of the State Department of Conservation and Natural Resources.

2. "Operation" means:

(a) The performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding 1 year; or

(b) If the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding 1 year.

3. "Research and development" means theoretical analysis, exploration and experimentation and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental

and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials and processes.

4. "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

Sec. 43. NRS 544.240 is hereby amended to read as follows:

544.240 Any person violating any of the provisions of NRS 544.070 to 544.240, inclusive, and section 41 of this act, or any lawful regulation or order issued pursuant thereto shall be guilty of a misdemeanor and a continuing violation is punishable as a separate offense for each day during which it occurs.

Sec. 44. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license must include in the application submitted to the Director:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A license may not be renewed by the Director if:

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

(b) The State Controller has informed the Director pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 45. NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, and section 44 of this act, unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, have the meanings ascribed to them in those sections.

Sec. 46. NRS 555.460 is hereby amended to read as follows:

555.460 Any person violating the provisions of NRS 555.2605 to 555.420, inclusive, and section 44 of this act, or the regulations adopted pursuant thereto, is guilty of a misdemeanor and, in addition to any criminal

penalty, shall pay to the Department an administrative fine of not more than \$5,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

Sec. 47. NRS 555.470 is hereby amended to read as follows:

555.470 1. The Director shall adopt regulations specifying a schedule of fines which may be imposed, upon notice and a hearing, for each violation of the provisions of NRS 555.2605 to 555.460, inclusive ~~and~~ *and section 44 of this act*. The maximum fine that may be imposed by the Director for each violation must not exceed \$5,000 per day. All fines collected by the Director pursuant to this subsection must be remitted to the county treasurer of the county in which the violation occurred for credit to the county school district fund.

2. The Director may:

(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the State Board of Agriculture suspects may have violated any provision of NRS 555.2605 to 555.460, inclusive ~~and~~ *and section 44 of this act*.

Sec. 48. Chapter 576 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license to act as a broker, dealer, commission merchant or agent must include in the application submitted to the Department:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A license to act as a broker, dealer, commission merchant or agent may not be renewed by the Department if:

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

(b) The State Controller has informed the Department pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 49. Chapter 581 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a certificate of registration pursuant to NRS 581.103 must include in the application submitted to the State Sealer of Weights and Measures:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A certificate of registration may not be renewed by the State Sealer of Weights and Measures if:

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

or

(b) The State Controller has informed the State Sealer of Weights and Measures pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 50. Chapter 582 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license as a public weighmaster must include in the application submitted to the State Sealer of Weights and Measures:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A license as a public weighmaster may not be renewed by the State Sealer of Weights and Measures if:

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

or

(b) The State Controller has informed the State Sealer of Weights and Measures pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 51. Chapter 584 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a milk tester's license must include in the application submitted to the Commission:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A milk tester's license may not be renewed by the Commission if:

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

(b) The State Controller has informed the Commission pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not;

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 52. NRS 584.285 is hereby amended to read as follows:

584.285 Any person violating any provision of NRS 584.215 to 584.285, inclusive, and section 51 of this act, shall be guilty of a misdemeanor.

Sec. 53. Chapter 587 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license to inspect or classify agricultural products must include in the application submitted to the State Quarantine Officer:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A license to inspect or classify agricultural products may not be renewed by the State Quarantine Officer if:

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

(b) The State Controller has informed the State Quarantine Officer pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 54. NRS 587.290 is hereby amended to read as follows:

587.290 As used in NRS 587.290 to 587.450, inclusive, and section 53 of this act, unless the context otherwise requires, "agricultural products" includes horticultural, viticultural, dairy, bee and farm products.

Sec. 55. NRS 587.440 is hereby amended to read as follows:

587.440 Any employee or agent employed under NRS 587.290 to 587.450, inclusive, and section 53 of this act, or any inspector licensed thereunder, who shall knowingly inspect, grade or classify improperly any agricultural product or shall knowingly give any incorrect certificate of grade, classification, quality or condition or shall accept money or other consideration directly or indirectly for any incorrect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such agent, employee or licensed inspector in the performance of his or her duty, shall be guilty of a misdemeanor.

Sec. 56. Chapter 599B of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of registration as a seller must include in the application submitted to the Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A registration as a seller may not be renewed by the Division if:

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

(b) The State Controller has informed the Division pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an

agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 57. Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 58 to 61, inclusive, of this act.

Sec. 58. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license in an occupation must include in the application submitted to the Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A license in an occupation may not be renewed by the Division if:

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

(b) The State Controller has informed the Division pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 59. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of certification as a crane operator pursuant to NRS 618.880 must include in the application submitted to the Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A certification as a crane operator issued pursuant to NRS 618.880 may not be renewed by the Division if:

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

(b) The State Controller has informed the Division pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not;

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 60. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of certification as a trainer, production manager, supervisor or other person designated by an employer to provide annual training and testing programs to employees pursuant to NRS 618.890 must include in the application submitted to the Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. Certification as a trainer, production manager, supervisor or other person designated by an employer to provide annual training and testing programs to employees issued pursuant to NRS 618.890 may not be renewed by the Division if:

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

(b) The State Controller has informed the Division pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not;

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 61. 1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license as a photovoltaic installer must include in the application submitted to the Division:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS; or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A license as a photovoltaic installer may not be renewed by the Division if:

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

(b) The State Controller has informed the Division pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 62. NRS 618.750 is hereby amended to read as follows:

618.750 As used in NRS 618.750 to 618.850, inclusive, and section 58 of this act, unless the context otherwise requires:

1. "Asbestos" means asbestiform varieties of:

- (a) Chrysotile (serpentine);
- (b) Crocidolite (riebeckite);
- (c) Amosite (cummingtonite-grunerite);
- (d) Anthophyllite;
- (e) Tremolite; or
- (f) Actinolite.

2. "Control of asbestos" means:

(a) The encapsulation, enclosure or removal of asbestos or material containing asbestos from a building or structure, including any associated mechanical systems, whether inside or outside the building or structure;

(b) The abatement of the danger posed to human beings by the presence of asbestos or material containing asbestos in a building or structure, including any associated mechanical systems, whether inside or outside the building or structure;

(c) The repair, renovation or demolition of a building or structure containing asbestos or materials containing asbestos; or

(d) Any activity connected with that encapsulation, enclosure, removal, abatement, repair, renovation or demolition.

3. "Occupation" means a specific discipline involved in a project for the control of asbestos, including those tasks performed respectively by an

inspector, management planner, consultant, project designer, contractor, supervisor or worker engaged in the control of asbestos.

4. "Worker" means any person actually engaged in work directly related to asbestos on a project for the control of asbestos who is not required to be licensed in any other occupation.

Sec. 63. NRS 618.755 is hereby amended to read as follows:

618.755 NRS 618.750 to 618.850, inclusive, and section 58 of this act, does not apply to:

1. The control of asbestos by a person in his or her own residence.
 2. A person employed by a public utility which supplies electricity when performing emergency activities which include, but are not limited to:
 - (a) The removal of insulation containing asbestos on pipes;
 - (b) The removal of small quantities of insulation containing asbestos on beams or above ceilings;
 - (c) The replacement of a gasket containing asbestos on a valve;
 - (d) The installation or removal of a small section of drywall; and
 - (e) The installation of electrical conduits running through or proximate to materials containing asbestos,
- ↪ if the person is trained by and works under the direction of a person who is capable of identifying existing hazards in a workplace which are related to asbestos, tremolite, anthophyllite or actinolite, and is authorized to take prompt corrective measures to eliminate them as set forth in 29 C.F.R. § 1926.32(f) on June 28, 1989.

Sec. 64. NRS 618.835 is hereby amended to read as follows:

618.835 1. If the Division finds that a person, other than a worker, has violated any of the provisions of NRS 618.780, 618.790, 618.820 or 618.825, or the standards or regulations adopted pursuant to NRS 618.750 to 618.850, inclusive, and section 58 of this act, it may:

(a) Upon the first violation, impose upon the person an administrative fine of not more than \$15,000.

(b) Upon the second and subsequent violations:

(1) Impose upon the person an administrative fine of not more than \$25,000; and

(2) If the person is licensed pursuant to NRS 618.795, revoke his or her license and require the person to fulfill certain training or educational requirements to have the license reinstated.

↪ Any penalty imposed pursuant to this section does not relieve the person from criminal prosecution for engaging in the control of asbestos without a license, nor from the imposition of a penalty pursuant to NRS 445B.640.

2. If the license of a contractor for projects for the control of asbestos is revoked pursuant to this section and the owner of a building or structure upon which the contractor is engaged in a project employs another licensed contractor to complete the project, the original contractor may not bring an action against the owner of the building or structure for breach of contract or damages based on the employment of another contractor.

Sec. 65. NRS 618.910 is hereby amended to read as follows:

618.910 As used in NRS 618.910 to 618.936, inclusive, and section 61 of this act, unless the context otherwise requires, the words and terms defined in NRS 618.912, 618.914 and 618.916 have the meanings ascribed to them in those sections.

Sec. 66. NRS 618.930 is hereby amended to read as follows:

618.930 1. In addition to any other remedy or penalty, if the Division finds that a person has violated any provision of NRS 618.910 to 618.936, inclusive, and section 61 of this act, or the standards or regulations adopted pursuant thereto, the Division may:

(a) Upon the first violation, impose upon the person an administrative fine of not more than \$1,500.

(b) Upon the second violation or a subsequent violation:

(1) Impose upon the person an administrative fine of not more than \$2,500; and

(2) If the person is licensed pursuant to NRS 618.910 to 618.936, inclusive, and section 61 of this act, suspend or revoke the person's license and require the person to fulfill certain training or educational requirements to have the license reinstated.

2. Any penalty imposed pursuant to subsection 1 does not relieve the person from criminal prosecution for acting as a photovoltaic installer without a license.

3. If the license of a photovoltaic installer is suspended or revoked pursuant to subsection 1 and the owner of a building or structure who has contracted with the photovoltaic installer for a photovoltaic system project contracts with another licensed photovoltaic installer to complete the project, the original photovoltaic installer may not bring an action against the owner of the building or structure for breach of contract or damages based on the contract with the other licensed photovoltaic installer.

Sec. 67. Chapter 622 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirements set forth in this title, an applicant for the renewal of a license shall include in the application submitted to the regulatory body:

(a) The applicant's state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;
or

(b) If the applicant does not have a state business license, an explanation of why the applicant is not required to obtain a state business license.

2. A regulatory body may not renew a license if:

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

(b) The State Controller has informed the regulatory body pursuant to subsection 5 of section 4 of this act that the applicant owes a debt to an

agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

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

(3) Demonstrated that the debt is not valid.

3. As used in this section:

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

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

Sec. 68. Each state officer and employee who, on July 1, 2013, is not having his or her salary and wages paid by direct deposit shall, not later than September 30, 2013:

1. Furnish to the State Controller such information as the State Controller may require to pay the salary and wages of the state officer or employee by way of direct deposit; or

2. Apply to the State Controller for a waiver as described in subsection 3 of section 8.5 of this act.

~~[Sec. 13.]~~ Sec. 69. 1. This act becomes effective on July 1, 2013.

2. Section 29 of this act expires by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for certification as a detoxification technician pursuant to NRS 641C.500 becomes effective.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 440 to Senate Bill No. 21 prohibits certain licensing agencies from renewing licenses, certifications, registrations, permits or other authorizations that grant a person the authority to engage in certain professions or occupations if: (1) the person owes a debt to a State agency which has been assigned to the State Controller for collection; or (2) the person has not provided to those licensing agencies certain information relating to State business licenses. These provisions do not apply to professions or occupations regulated by the Department of Motor Vehicles, the Division of Insurance or local governments.

Amendment No. 440 to Senate Bill No. 21 adds provisions requiring the State Controller to pay the salaries and wages of all State officers and employees through an electronic payment system and removes related duties of the Chief Administrator of the Legislative Counsel Bureau regarding payment of the salaries of Legislators and legislative staff. It also provides that the Controller does not have to refund overpayments to the State of less than \$10 unless the Controller receives a timely request in writing.

Amendment adopted.

Senator Parks moved that Senate Bill No. 21 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Senate Bill No. 34.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 439.

"SUMMARY—Makes various changes relating to group health insurance provided by the Public Employees' Benefits Program. (BDR 23-377)"

"AN ACT relating to programs for public employees; ~~eliminating the requirement,~~ requiring that, for the purpose of determining rates and coverage for group health insurance, ~~that separate risk pools be maintained by~~ the Board of the Public Employees' Benefits Program maintain a single risk pool for state ~~and~~ participants in the Program, non-state participants in the Program ~~[- requiring that the Board continue to maintain for that purpose a separate risk pool for]~~ and certain retired officers and employees, and their dependents, of local governmental agencies that do not participate in the Program; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

The Board of the Public Employees' Benefits Program provides group insurance coverage through the Program for active and retired state officers and employees and their dependents. (NRS 287.043) The Program also provides coverage to active and retired officers and employees, and their dependents, of any county, school district or other local governmental agency whose governing body elects to participate in the Program. (NRS 287.025, 287.043) For the purpose of determining rates and coverage for group health insurance provided through the Program, the Board is required by existing law to maintain separate "risk pools" for these state and non-state participants. (NRS 287.043) The rates for any contract entered into by the Board with a physician, hospital, health maintenance organization or other provider of medical care are likewise required to be based on these separate risk pools. (NRS 287.0434)

~~[For the two groups described above, section 4 of this bill eliminates the requirement that the Board maintain separate risk pools. However, for any retired officer or employee of a local governmental agency whose last public employer does not participate in the Program, and who is not otherwise excluded from participation in the Program, section 4 retains the requirement that these persons and their dependents be rated separately.]~~ Section 4 of this bill requires the Board to maintain a single risk pool for: (1) active and retired state officers and employees and their dependents; (2) active and retired officers and employees of participating local governmental agencies and their dependents; and (3) certain retired officers and employees of nonparticipating local governmental agencies and their dependents. Section 5 of this bill makes similar changes for the purposes of establishing the rates set forth in a contract between the Board and a provider of health care.

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

Section 1. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

"Nonparticipating local governmental agency" means a county, school district, municipal corporation, political subdivision, public corporation or

other local governmental agency of this State that does not have an agreement in effect with the Program pursuant to paragraph (a) of subsection 1 of NRS 287.025 to obtain group insurance from the Program.

Sec. 2. [NRS 287.025 is hereby amended to read as follows:

~~287.025 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may, in addition to the other powers granted in NRS 287.010, 287.015 and 287.020:~~

~~(a) Negotiate and contract with the Board of the Public Employees' Benefits Program to secure exclusive group insurance for all of its officers and employees and their dependents, except as otherwise provided in sub-subparagraph (III) of subparagraph (2) of paragraph [(h)] (i) of subsection 2 of NRS 287.043, by participation in the Public Employees' Benefits Program;~~

~~(b) Negotiate and contract with another county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada to secure group insurance for its officers and employees and their dependents by participation in any group insurance plan established or to be established by the other local governmental agency;~~

~~(c) To secure group health, life or workers' compensation insurance for its officers and employees and their dependents, participate as a member of a nonprofit cooperative association or nonprofit corporation that has been established in this State to secure such insurance for its members from an insurer licensed pursuant to the provisions of title 57 of NRS;~~

~~(d) In addition to the provisions of paragraph (c), participate as a member of a nonprofit cooperative association or nonprofit corporation that has been established in this State to:~~

~~(1) Facilitate contractual arrangements for the provision of medical services to its members' officers and employees and their dependents and for related administrative services;~~

~~(2) Procure health-related information and disseminate that information to its members' officers and employees and their dependents;~~

~~2. Each contract negotiated pursuant to paragraph (a) or (b) of subsection 1:~~

~~(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective;~~

~~(b) Does not become effective unless approved by the Commissioner of Insurance;~~

~~(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.] (Deleted by amendment.)~~

Sec. 3. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined

in NRS 287.0404 to 287.04064, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 4. NRS 287.043 is hereby amended to read as follows:

287.043 1. The Board shall:

(a) Establish and carry out a program to be known as the Public Employees' Benefits Program which:

(1) Must include a program relating to group life, accident or health insurance, or any combination of these; and

(2) May include:

(I) A plan that offers flexibility in benefits, and for which the rates must be based only on the experience of the participants in the plan and not in combination with the experience of participants in any other plan offered under the Program; or

(II) A program to reduce taxable compensation or other forms of compensation other than deferred compensation,
 ➤ for the benefit of all state officers and employees and other persons who participate in the Program.

(b) Ensure that the Program is funded on an actuarially sound basis and operated in accordance with sound insurance and business practices.

2. In establishing and carrying out the Program, the Board shall:

(a) For the purpose of establishing actuarial data to determine rates and coverage for ~~[active]~~ :

(1) Active and retired state officers and employees and their dependents ~~[, and active]~~ ;

(2) Active and retired officers and employees of participating local governmental agencies and their dependents ~~[, and]~~ ; and

(3) Retired officers and employees whose last public employers are nonparticipating local governmental agencies and who are not otherwise excluded from participation in the Program pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (h) and their dependents.

➤ commingle the claims experience of such active and retired officers and employees, and their dependents ~~[for whom the Program provides primary health insurance coverage]~~ into a single risk pool.

(b) Except as otherwise provided in this paragraph, negotiate and contract pursuant to paragraph (a) of subsection 1 of NRS 287.025 with the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that wishes to obtain exclusive group insurance for all of its active and retired officers and employees and their dependents, except as otherwise provided in sub-subparagraph (III) of subparagraph (2) of paragraph (h), ~~[(c)]~~ by participation in the Program. ~~[The Board shall establish]~~

~~[(c) Establish separate rates and coverage for] [active and] [retired officers and employees] [of those local governmental agencies] [-]~~

~~(1) Whose last public employers are nonparticipating local governmental agencies; and~~

~~(2) Who are not otherwise excluded from participation in the Program pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (i), and their dependents, based on actuarial reports that commingle the claims experience of such [active and] [retired officers and employees and their dependents] [for whom the Program provides primary health insurance coverage] [into a single risk pool].~~

(c) ~~(d)~~ Except as otherwise provided in paragraph (d) ~~(e)~~, provide public notice in writing of any proposed changes in rates or coverage to each participating public agency that may be affected by the changes. Notice must be provided at least 30 days before the effective date of the changes.

(d) ~~(e)~~ If a proposed change is a change in the premium or contribution charged for, or coverage of, health insurance, provide written notice of the proposed change to all participants in the Program. The notice must be provided at least 30 days before the date on which a participant in the Program is required to select or change the participant's policy of health insurance.

(e) ~~(f)~~ Purchase policies of life, accident or health insurance, or any combination of these, or, if applicable, a program to reduce the amount of taxable compensation pursuant to 26 U.S.C. § 125, from any company qualified to do business in this State or provide similar coverage through a plan of self-insurance established pursuant to NRS 287.0433 for the benefit of all eligible participants in the Program.

(f) ~~(g)~~ Except as otherwise provided in this title, develop and establish other employee benefits as necessary.

(g) ~~(h)~~ Investigate and approve or disapprove any contract proposed pursuant to NRS 287.0479.

(h) ~~(i)~~ Adopt such regulations and perform such other duties as are necessary to carry out the provisions of NRS 287.010 to 287.245, inclusive, and section 1 of this act, including, without limitation, the establishment of:

(1) Fees for applications for participation in the Program and for the late payment of premiums or contributions;

(2) Conditions for entry and reentry into and exit from the Program by local governmental agencies pursuant to paragraph (a) of subsection 1 of NRS 287.025, which:

(I) Must include a minimum period of 4 years of participation for entry into the Program;

(II) Must include a requirement that participation of any retired officers and employees of the local governmental agency whose last continuous period of enrollment with the Program began after November 30, 2008, terminates upon termination of the local governmental agency's contract with the Program; and

(III) May allow for the exclusion of active and retired officers and employees of the local governmental agency who are eligible for health

coverage from a health and welfare plan or trust that arose out of collective bargaining under chapter 288 of NRS or a trust established pursuant to 29 U.S.C. § 186;

(3) Procedures by which a group of participants in the Program may leave the Program pursuant to NRS 287.0479 and conditions and procedures for reentry into the Program by those participants;

(4) Specific procedures for the determination of contested claims;

(5) Procedures for review and notification of the termination of coverage of persons pursuant to paragraph (b) of subsection 4 of NRS 287.023; and

(6) Procedures for the payments that are required to be made pursuant to paragraph (b) of subsection 4 of NRS 287.023.

3. The Board may use any services provided to state agencies and shall use the services of the Purchasing Division of the Department of Administration to establish and carry out the Program.

4. The Board may engage the services of an attorney who specializes in health plans and health care law as necessary to assist in carrying out the Program.

5. The Board may make recommendations to the Legislature concerning legislation that it deems necessary and appropriate regarding the Program.

6. A participating public agency is not liable for any obligation of the Program other than indemnification of the Board and its employees against liability relating to the administration of the Program, subject to the limitations specified in NRS 41.0349.

7. As used in this section, "employee benefits" includes any form of compensation provided to a public employee except federal benefits, wages earned, legal holidays, deferred compensation and benefits available pursuant to chapter 286 of NRS.

Sec. 5. NRS 287.0434 is hereby amended to read as follows:

287.0434 The Board may:

1. Use its assets only to pay the expenses of health care for its members and covered dependents, to pay its employees' salaries and to pay administrative and other expenses.

2. Enter into contracts relating to the administration of the Program, including, without limitation, contracts with licensed administrators and qualified actuaries. Each such contract with a licensed administrator:

(a) Must be submitted to the Commissioner of Insurance not less than 30 days before the date on which the contract is to become effective for approval as to the licensing and fiscal status of the licensed administrator and status of any legal or administrative actions in this State against the licensed administrator that may impair his or her ability to provide the services in the contract.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

3. Enter into contracts with physicians, surgeons, hospitals, health maintenance organizations and rehabilitative facilities for medical, surgical and rehabilitative care and the evaluation, treatment and nursing care of members and covered dependents. The Board shall not enter into a contract pursuant to this subsection unless:

(a) Provision is made by the Board to offer all the services specified in the request for proposals, either by a health maintenance organization or through separate action of the Board.

(b) The rates set forth in the contract are based on ~~the~~

~~(1) For active, for:~~

~~(1) Active and retired state officers and employees and their dependents [and active] ;~~

~~(2) Active and retired officers and employees of participating local governmental agencies and their dependents ~~for~~ ; and~~

~~(3) Retired officers and employees whose last public employers are nonparticipating local governmental agencies and who are not otherwise excluded from participation in the Program pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043 and their dependents.~~

→ the commingled claims experience of such active and retired officers and employees and their dependents ~~[for whom the Program provides primary health insurance coverage] in a single risk pool. [; and~~

~~(2) For [active and] [retired officers and employees] [of public agencies enumerated in NRS 287.010 that contract with the Program to obtain group insurance by participation in the Program] ;~~

~~(I) Whose last public employers are nonparticipating local governmental agencies; and~~

~~(II) Who are not otherwise excluded from participation in the Program pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (i) of subsection 2 of NRS 287.043;~~

~~→ and their dependents, the commingled claims experience of such [active and] [retired officers and employees and their dependents] [for whom the Program provides primary health insurance coverage] [in a single risk pool.]~~

4. Enter into contracts for the services of other experts and specialists as required by the Program.

5. Charge and collect from an insurer, health maintenance organization, organization for dental care or nonprofit medical service corporation, a fee for the actual expenses incurred by the Board or a participating public agency in administering a plan of insurance offered by that insurer, organization or corporation.

6. Charge and collect the amount due from local governments pursuant to paragraph (b) of subsection 4 of NRS 287.023. If the payment of a local government pursuant to that provision is delinquent by more than 90 days, the Board shall notify the Executive Director of the Department of Taxation pursuant to NRS 354.671.

Sec. 6. ~~[NRS 287.045 is hereby amended to read as follows:~~

~~287.045 1. Except as otherwise provided in this section, every state officer or employee is eligible to participate in the Program on the first day of the month following the completion of 90 days of full-time employment.~~

~~2. Professional employees of the Nevada System of Higher Education who have annual employment contracts are eligible to participate in the Program on:~~

~~(a) The effective dates of their respective employment contracts, if those dates are on the first day of a month; or~~

~~(b) The first day of the month following the effective dates of their respective employment contracts, if those dates are not on the first day of a month.~~

~~3. Every officer or employee who is employed by a participating local governmental agency on a permanent and full-time basis on the date on which the participating local governmental agency enters into an agreement to participate in the Program pursuant to paragraph (a) of subsection 1 of NRS 287.025, and every officer or employee who commences employment with that participating local governmental agency after that date, is eligible to participate in the Program on the first day of the month following the completion of 90 days of full-time employment, unless that officer or employee is excluded pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph [(h)] (i) of subsection 2 of NRS 287.043.~~

~~4. Every member of the Senate and Assembly is eligible to participate in the Program on the first day of the month following the 90th day after the member's initial term of office begins.~~

~~5. Notwithstanding the provisions of subsections 1, 3 and 4, if the Board does not, pursuant to NRS 689B.580, elect to exclude the Program from compliance with NRS 689B.340 to 689B.590, inclusive, and if the coverage under the Program is provided by a health maintenance organization authorized to transact insurance in this State pursuant to chapter 695C of NRS, any affiliation period imposed by the Program may not exceed the statutory limit for an affiliation period set forth in NRS 689B.500.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 287.0475 is hereby amended to read as follows:~~

~~287.0475 1. Except as otherwise provided in subsection 3, a retired public officer or employee or the surviving spouse of a retired public officer or employee who is deceased may reinstate any insurance under the Program, except life insurance, that, at the time of reinstatement, is provided by the Program if the retired public officer or employee:~~

~~(a) Retired:~~

~~(1) Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from a participating state agency or was enrolled in a retirement program provided pursuant to NRS 286.802; or~~

~~(2) Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political~~

~~subdivision, public corporation or other local governmental agency of the State which is a participating local governmental agency at the time of the request for reinstatement; and~~

~~(b) Did not have more than one period during which the retired public officer or employee was not covered by insurance under the Program on or after October 1, 2011, or on or after the date of retirement of the public officer or employee, whichever is later.~~

~~2. Reinstatement pursuant to subsection 1 must be requested by:~~

~~(a) Giving written notice to the Program of the intent of the public officer or employee or surviving spouse to reinstate the insurance not later than 31 days before the commencement of the plan year;~~

~~(b) Accepting the Program's current plan of insurance and any subsequent changes thereto; and~~

~~(c) Except as otherwise provided in NRS 287.046, paying any portion of the premiums or contributions for coverage under the Program, in the manner set forth in NRS 1A.470 or 286.615, which are due from the date of reinstatement and not paid by the public employer.~~

~~3. If a retired public officer or employee retired pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency, the retired public officer or employee, or the surviving spouse of such a retired public officer or employee who is deceased, may not reinstate health insurance pursuant to subsection 1 if he or she is excluded from participation in the Program pursuant to subparagraph (III) of subparagraph (2) of paragraph [(h)] (i) of subsection 2 of NRS 287.043.] (Deleted by amendment.)~~

Sec. 8. This act becomes effective on July 1, 2014.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 439 to Senate Bill No. 34 adds local government and non-State retirees to the State retiree risk pool, merging formerly separate risk pools into one. The single risk pool will now contain: (1) active and retired State officers and employees and their dependents; (2) active and retired officers and employees of participating local governmental agencies and their dependents; and (3) certain retired officers and employees of nonparticipating local governmental agencies and their dependents.

Amendment adopted.

Senator Parks moved that Senate Bill No. 34 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Senate Bill No. 72.

Bill read second time.

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

Amendment No. 516.

"SUMMARY—Makes various changes concerning cruelty to animals. (BDR 50-114)"

"AN ACT relating to cruelty to animals; prohibiting a person from intentionally engaging in horse tripping ~~for steer tailing~~ for sport, entertainment, competition or practice ~~[- prohibiting a person]~~ or from knowingly organizing, sponsoring, promoting, overseeing or receiving admission money for a horse tripping ~~for steer tailing~~ event ~~[- prohibiting a person from using a cattle prod on the face of an animal]~~ under certain circumstances; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in cruelty to animals and provides criminal penalties for a person who engages in that activity, including making a third and any subsequent offense within the immediately preceding 7 years a category C felony. (NRS 574.100) This bill prohibits a person from ~~[- (1)]~~ engaging in horse tripping ~~for steer tailing~~ for sport, entertainment, competition or practice ~~[- (2)]~~ or knowingly organizing, sponsoring, promoting, overseeing or receiving admission money for a charreada or rodeo that includes a horse tripping ~~for steer tailing~~ event ~~[- and (3) using a cattle prod or similar electronic device on the face of an animal]~~ unless the local government where the horse tripping event is conducted allows it. This bill imposes a criminal penalty against a person who is guilty of committing horse tripping ~~for steer tailing or using a cattle prod on the face of an animal]~~, and provides an exception for catching and releasing an animal.

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

Section 1. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in a shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or

(h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. *A person shall not:*

(a) ~~Intentionally~~ Except as otherwise provided in paragraph (b), intentionally engage in horse tripping ~~for steer tailing~~ for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes a horse tripping ~~for steer tripping~~ event ~~for~~ or

~~(c) Use a cattle prod or other similar electronic device on the face of an animal~~ unless the horse tripping event is allowed by the local government where the horse tripping event is conducted.

6. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~{6-}~~ 7. Except as otherwise provided in subsection ~~{5-}~~ 6, a person who violates subsection 1, 2 ~~{or 3-}~~, 3 or 5:

(a) For the first offense within the immediately preceding 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 either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 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 and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~{7-}~~ 8. In addition to any other fine or penalty provided in subsection ~~{5-}~~ 6 or ~~{6-}~~ 7, a court shall order a person convicted of violating subsection 1, 2, ~~{or}~~ 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2 ~~{or 3-}~~, 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.

~~{8.}~~ 9. The court may order the person convicted of violating subsection 1, 2 , ~~{10.}~~ 3 or 5 to surrender ownership or possession of the mistreated animal.

~~{9.}~~ 10. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

- (a) Carrying out the activities of a rodeo or livestock show; or
- (b) Operating a ranch.

11. As used in this section:

(a) "Horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall, ~~for lose its balance.~~ The term does not include ~~tripping~~ :

(1) Tripping such an animal to provide medical or other health care for the animal; or

(2) Catching such an animal by the front legs and then releasing it as part of a horse tripping event that is allowed by the local government where the event is conducted.

(b) "Horse tripping ~~for steer tailing~~ event" means an event at which a person intentionally engages in horse tripping ~~for steer tailing~~ for sport, entertainment, competition or practice.

~~{ (c) "Steer tailing" means using the tail of a cow or other animal of the bovine species to intentionally drag, trip or otherwise cause the cow or other animal to fall or lose its balance. }~~

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 516 to Senate Bill No. 72 deletes from the bill all references to "steer tailing" and provisions relating to the use of a cattle prod or similar electronic device. It clarifies the prohibition against horse tripping is for intentional horse tripping and that no horse tripping event for a *charreada* or rodeo shall be organized or sponsored, unless such an event is authorized by the local government where the event is held. The amendment revises the definition of "horse tripping" to clarify that horse tripping means intentionally causing a horse to fall. References to the horse losing its balance are deleted. Finally, the amendment clarifies that "horse tripping" does not include the catch and release of a horse.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 135.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 438.

"SUMMARY—Revises provisions governing redevelopment agencies. (BDR 22-876)"

"AN ACT relating to redevelopment of communities; revising requirements for the submission of an employment plan; requiring a redevelopment agency to withhold a portion of any incentive provided to a developer unless the developer satisfies certain conditions; requiring the reporting of certain information relating to the redevelopment project by certain developers; extending the duration of certain redevelopment plans; requiring an employment plan to include information relating to preferences for hiring persons from the redevelopment area; ~~authorizing a redevelopment agency to loan money to finance certain improvements under certain circumstances; requiring certain redevelopment agencies to set aside certain revenue from property taxes for additional purposes;~~ creating a revolving loan account to loan money to small businesses for redevelopment purposes in certain cities; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, if a redevelopment agency provides property for development for less than the fair market value of the property or provides financial incentives of more than \$100,000 to a developer, the developer must comply with certain laws relating to the payment of a prevailing wage. (NRS 279.500) Additionally, a proposal for a redevelopment project must include an employment plan, if appropriate. (NRS 279.482)

Sections 2-10 of this bill only apply to a developer for a redevelopment project if part of the redevelopment area is within an enterprise community. Section 7 requires public agencies who use redevelopment funds for a public work to submit an employment plan and exempts private developers who do not construct a redevelopment project for a known owner from that requirement. Section 8 requires an agency that proposes to provide an incentive to a developer to withhold payment of ~~[10 percent of]~~ the incentive ~~[unless]~~ until: (1) at least 15 percent of the employees of contractors, subcontractors, vendors and suppliers of the developer are residents of the redevelopment area; (2) at least 15 percent of the jobs created by employers as a result of the redevelopment project are filled by residents of the redevelopment area; (3) the developer or build-to-suit owner or lessee complies with the requirements in the employment plan; and (4) the developer satisfies the reporting required by section 9. Section 10 allows a developer to appeal a refusal to pay the amount provided for in section 8 to the legislative body of the community.

Section 9 requires a developer that receives an incentive of more than \$100,000 to report to the redevelopment agency certain information relating to the redevelopment project. Section 9 also requires a developer that receives \$100,000 or less in incentives to use its best efforts to report such information. Finally, section 9 allows the redevelopment agency to refuse to pay all or a portion of the incentive or to require repayment of any incentive already paid if a developer fails to comply.

Section 10.5 of this bill creates a revolving loan account in the treasury of a city whose population is 500,000 or more (currently the City of Las Vegas) to be used to make loans at or below market rate to small businesses located within, or interested in relocating to, certain redevelopment areas of the city.

Section 13 of this bill requires the employment plan to include information about the preference for hiring persons living within the redevelopment area used by the developer and each employer who will be relocating a business into the area as a result of the redevelopment.

Existing law provides that a redevelopment plan adopted by a redevelopment agency before July 1, 1991, terminates at the end of the fiscal year in which the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid, or 45 years after the date on which the original redevelopment plan was adopted, whichever is later. (NRS 279.438) Section 12 of this bill provides that in a county whose population is 700,000 or more (currently Clark County), such a redevelopment plan terminates at the end of the fiscal year in which the principal and interest of the last maturing securities issued before that date concerning the redevelopment area are fully paid, or 60 years after the date on which the original redevelopment plan was adopted, whichever is later.

~~f Section 14 of this bill authorizes a redevelopment agency to loan money to finance certain improvements with the consent of the legislative body of the community in which the redevelopment agency is located.~~

~~Section 15 of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) that receives certain revenue from taxes, to set aside a portion of those revenues received on or after July 1, 2013, to be used for specific purposes, including renewable energy projects, economic development, improvement of public educational facilities and the development of affordable housing within enterprise communities.]~~

Section 15.5 of this bill requires the redevelopment agency of a city whose population is 500,000 or more (currently the City of Las Vegas) to submit an annual report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that includes information on each loan made during the previous fiscal year from the revolving loan account created by section 10.5.

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

Section 1. Chapter 279 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[10.]~~ 10.5, inclusive, of this act.

Sec. 2. *"Build-to-suit developer" means a private developer who constructs a redevelopment project in accordance with the customized specifications of a known owner or lessee to whom the developer will convey or lease the property upon completion of the project.*

Sec. 3. *"Build-to-suit owner or lessee" means the owner or lessee of a redevelopment project that has been constructed by a build-to-suit developer to the customized specifications of the owner or lessee.*

Sec. 4. *"Developer" means a person or entity that proposes to construct a redevelopment project which will receive financial assistance from an agency.*

Sec. 5. *"Southern Nevada Enterprise Community" means the area designated as the Southern Nevada Enterprise Community in section 5 of chapter 407, Statutes of Nevada 2007.*

Sec. 6. *The provisions of sections 2 to 10, inclusive, of this act do not apply to a developer for a redevelopment project unless a portion of the redevelopment area of the redevelopment project is within an enterprise community which is currently or was previously established pursuant to 24 C.F.R. Part 597, including, without limitation, the Southern Nevada Enterprise Community.*

Sec. 7. 1. *A public agency that uses redevelopment funds for the design or construction of a redevelopment project being built as a public work pursuant to chapter 338 of NRS is required to submit an employment plan pursuant to NRS 279.482.*

2. *A developer who constructs a redevelopment project for the purpose of conveying or leasing the property to an unknown owner or lessee is not required to submit an employment plan pursuant to NRS 279.482 but may submit an employment plan voluntarily.*

Sec. 8. 1. *Except as otherwise provided in subsection 2, if an agency proposes to provide an incentive to a developer for a redevelopment project, ~~10 percent of~~ the amount of the proposed incentive must be withheld by the agency and must not be paid to the developer ~~unless~~ until:*

(a) *At least 15 percent of all employees of contractors, subcontractors, vendors and suppliers of the developer are bona fide residents of the redevelopment area and, among such persons, preference in hiring and contracting is given to residents of the Southern Nevada Enterprise Community;*

(b) *At least 15 percent of all jobs created by employers who relocate to the redevelopment area are filled by bona fide residents of the redevelopment area and, among such persons, preference in hiring is given to residents of the Southern Nevada Enterprise Community;*

(c) *The developer or build-to-suit owner or build-to-suit lessee complies with any requirements imposed by the agency relating to the employment plan in the agreement for the redevelopment project; and*

(d) *The developer satisfies all reporting requirements as described in section 9 of this act.*

2. *If an agency provides nonmonetary incentives to a developer for a redevelopment project, the developer shall deposit an amount of money with the agency equal to ~~10 percent of~~ the value of the nonmonetary incentives as agreed upon between the agency and the developer. If the developer*

satisfies the requirements of paragraphs (a) to (d), inclusive, of subsection 1, the agency shall return the deposit required by this subsection to the developer.

Sec. 9. 1. Except as otherwise provided in subsection 2, a developer that receives incentives from an agency for a redevelopment project shall, upon completion of the project and upon request of the agency, report, in a form prescribed by the agency, information relating to:

(a) Outreach efforts that the developer has utilized, including, without limitation, information relating to job fairs, advertisements in publications that reach residents of the redevelopment area and utilization of employment referral agencies;

(b) Training conducted for persons hired by the developer and contractors, subcontractors, vendors and suppliers of the developer and the employers within the development project; and

(c) The execution of the redevelopment, including, without limitation, plans and the scope of services.

2. If a developer receives incentives from an agency for a redevelopment project with a value of \$100,000 or less, the developer shall use its best efforts to satisfy the reporting requirements described in subsection 1.

3. If the developer fails to comply with the requirements of this section:

(a) The agency may refuse to pay all or any portion of an incentive; and

(b) The agency may require the developer to repay any incentive already paid to the developer.

Sec. 10. 1. A developer may appeal the refusal by an agency to pay the amount provided for in section 8 of this act to the legislative body of the community.

2. In an appeal, the developer has the burden of demonstrating that:

(a) Specific actions were taken to substantially fulfill the requirements of section 8 of this act;

(b) An insufficient number of significant opportunities for appropriate contractors, subcontractors, vendors or suppliers to perform a commercially useful function in the project existed; and

(c) Use of appropriate contractors, subcontractors, vendors or suppliers as required by section 8 of this act would have significantly and adversely affected the overall cost of the project.

3. If the legislative body finds that the developer's appeal has satisfied the requirements of subsection 2, the agency shall pay the developer the amount provided for in section 8 of this act.

Sec. 10.5. 1. A revolving loan account is hereby created in the treasury of the community.

2. The money in the account must be used to make loans at or below market rate to small businesses located within the redevelopment area or interested in relocating to the redevelopment area for the costs of expanding, improving or relocating, as applicable, the existing small business. The terms

of any loan made pursuant to this subsection must be limited to not more than 3 years.

3. The money in the account must be invested as money in other community accounts is invested. All interest and income earned on the money in the account must be credited to the account. Any money remaining in the account at the end of the fiscal year does not revert to the treasury of the community, and the balance in the account must be carried forward.

4. All payments of principal and interest on all the loans made to a small business from the account must be deposited for credit to the account.

5. Claims against the account must be paid as other claims against the community are paid.

6. The account may accept gifts, grants, bequests and donations from any source for deposit into the account.

7. The legislative body shall adopt rules prescribing:

(a) The standards for the applicants for a loan;

(b) The standards for the terms of a loan; and

(c) The procedures for the issuance and repayment of a loan.

8. The agency shall issue a loan to each applicant whose application the agency approves.

9. The provisions of this section apply only to a community which is a city whose population is 500,000 or more.

Sec. 11. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, *and sections 2 to ~~10.5~~ 10.5, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, *and sections 2 to 5, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 12. NRS 279.438 is hereby amended to read as follows:

279.438 A redevelopment plan adopted before January 1, 1991, and any amendments to the plan must terminate at the end of the fiscal year in which the principal and interest of the last maturing of the securities issued before that date concerning the redevelopment area are fully paid or :

1. *In a county whose population is 700,000 or more, 60 years after the date on which the original redevelopment plan was adopted, whichever is later.*

2. *In a county whose population is less than 700,000, 45 years after the date on which the original redevelopment plan was adopted, whichever is later.*

Sec. 13. NRS 279.482 is hereby amended to read as follows:

279.482 1. An agency may obligate lessees or purchasers of property acquired in a redevelopment project to:

(a) Use the property for the purpose designated in the redevelopment plans.

(b) Begin the redevelopment of the area within a period of time which the agency fixes as reasonable.

(c) Comply with other conditions which the agency deems necessary to carry out the purposes of NRS 279.382 to 279.685, inclusive, *and sections 2 to ~~10.7~~ 10.5, inclusive, of this act*, including, without limitation, the provisions of an employment plan or a contract approved for a redevelopment project.

2. ~~[As]~~ *Except as otherwise provided in section 7 of this act, as appropriate for the particular project, each proposal for a redevelopment project must also include an employment plan. The employment plan must include:*

(a) A description of the existing opportunities for employment within the area;

(b) A projection of the effect that the redevelopment project will have on opportunities for employment within the area; ~~[and]~~

(c) A description of the manner in which an employer relocating a business into the area plans to employ persons living within the area of operation who:

(1) Are economically disadvantaged;

(2) Have a physical disability;

(3) Are members of racial minorities;

(4) Are veterans; or

(5) Are women ~~[]~~; *and*

(d) *A description of the manner in which:*

(1) *The developer will give a preference in hiring for construction jobs for the project to persons living within the redevelopment area and, among such persons, to persons living within an area for which the legislative body has adopted a specific plan for neighborhood revitalization, an area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or the Southern Nevada Enterprise Community; and*

(2) *Each employer relocating a business into the area plans to give a preference in hiring to persons living within the redevelopment area and, among such persons, to persons living within an area for which the legislative body has adopted a specific plan for neighborhood revitalization, an area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or the Southern Nevada Enterprise Community.*

Sec. 14. ~~[NRS 279.486 is hereby amended to read as follows:~~

~~279.486 — 1. An agency may, with the consent of the legislative body, pay all or part of the value of, or loan money to finance, the land for and the cost of the construction of any building, facility, structure or other improvement and the installation of any improvement which is publicly or privately owned and located within or without the redevelopment area. Before the legislative body may give its consent, it must determine that:~~

~~(a) The buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located; and~~

~~(b) No other reasonable means of financing those buildings, facilities, structures or other improvements are available.~~

~~Those determinations by the agency and the legislative body are final and conclusive.~~

~~2. In reaching its determination that the buildings, facilities, structures or other improvements are of benefit to the redevelopment area or the immediate neighborhood in which the redevelopment area is located, the legislative body shall consider:~~

~~(a) Whether the buildings, facilities, structures or other improvements are likely to:~~

~~(1) Encourage the creation of new business or other appropriate development;~~

~~(2) Create jobs or other business opportunities for nearby residents;~~

~~(3) Increase local revenues from desirable sources;~~

~~(4) Increase levels of human activity in the redevelopment area or the immediate neighborhood in which the redevelopment area is located;~~

~~(5) Possess attributes that are unique, either as to type of use or level of quality and design;~~

~~(6) Require for their construction, installation or operation the use of qualified and trained labor; and~~

~~(7) Demonstrate greater social or financial benefits to the community than would a similar set of buildings, facilities, structures or other improvements not paid for by the agency.~~

~~(b) The opinions of persons who reside in the redevelopment area or the immediate neighborhood in which the redevelopment area is located.~~

~~(c) Comparisons between the level of spending proposed by the agency and projections, made on a pro forma basis by the agency, of future revenues attributable to the buildings, facilities, structures or other improvements.~~

~~3. If the value of that land or the cost of the construction of that building, facility, structure or other improvement, or the installation of any improvement has been, or will be, paid or provided for initially by the community or other governmental entity, the agency may enter into a contract with that community or governmental entity under which it agrees to reimburse the community or governmental entity for all or part of the value of that land or of the cost of the building, facility, structure or other improvement, or both, by periodic payments over a period of years. The obligation of the agency under that contract constitutes an indebtedness of the agency which may be payable out of taxes levied and allocated to the agency under paragraph (b) of subsection 1 of NRS 279.676, or out of any other available money.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 279.685 is hereby amended to read as follows:~~

~~279.685 1. Except as otherwise provided in this section, an agency of a city whose population is 500,000 or more that receives revenue from taxes pursuant to paragraph (b) of subsection 1 of NRS 279.676 shall: [set aside not less than:]~~

~~(a) [Fifteen] Set aside not less than 15 percent of that revenue received on or before October 1, 1999, and 18 percent of that revenue received after October 1, 1999, but before October 1, 2011, to increase, improve and preserve the number of dwelling units in the community for low income households; [and]~~

~~(b) [Eighteen] Set aside not less than 18 percent of that revenue received on or after October 1, 2011, but before July 1, 2013, to increase, improve and preserve the number of:~~

~~(1) Dwelling units in the community for low income households; and~~

~~(2) Educational facilities within the redevelopment area [.] ; and~~

~~(c) Use not less than 18 percent of that revenue received on or after July 1, 2013, as follows:~~

~~(1) One half of such amount for economic development, renewable energy projects, the improvement of public educational facilities and the development of affordable housing within an enterprise community which is currently or was previously established pursuant to 21 C.F.R. Part 597, including, without limitation, the Southern Nevada Enterprise Community;~~

~~(2) One half of such amount for the improvement of public educational facilities within the community and to increase, improve and preserve the number of dwelling units in the community for low income households.~~

~~2.—The obligation of an agency to set aside not less than 15 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before July 1, 1993, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after July 1, 1993, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.~~

~~3.—The obligation of an agency to set aside an additional 3 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before October 1, 1999, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after October 1, 1999, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.~~

~~4.—[From the revenue set aside by an agency pursuant to paragraph (b) of subsection 1, not more than 50 percent of that amount may be used to:~~

~~(a) Increase, improve and preserve the number of dwelling units in the community for low income households; or~~

~~(b) Increase, improve and preserve the number of educational facilities within the redevelopment area;~~

~~→ unless the agency establishes that such an amount is insufficient to pay the cost of a project identified in the redevelopment plan for the redevelopment area.~~

~~5.] Except as otherwise provided in paragraph (b) or (c) of subsection 1, [and subsection 4,] the agency may expend or otherwise commit money for the purposes of subsection 1 outside the boundaries of the redevelopment area.] (Deleted by amendment.)~~

Sec. 15.5. 1. On or before January 1 of each year, if a community has a revolving loan account created by section 10.5 of this act, the agency shall submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report for the previous fiscal year containing information on each loan made from the account.

2. The report required pursuant to subsection 1 must be submitted for each fiscal year beginning with the Fiscal Year 2013-2014 and ending with the Fiscal Year 2016-2017.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 279.386.

(b) "Community" has the meaning ascribed to it in NRS 279.392.

Sec. 16. This act becomes effective on July 1, 2013.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 438 to Senate Bill No. 135 deletes Sections 14 and 15 of the bill which contained provisions regarding loans to be made by a redevelopment agency. Instead, the amendment includes a new Section 10.5 which creates a revolving loan account in a city whose population is 500,000 or more, currently Las Vegas, to be used to make three-year loans at or below market rate to small businesses located in or interested in relocating to a redevelopment area. A community that maintains such a revolving loan account must provide a report on the account to the Legislative Counsel Bureau by January 1 of each year.

Amendment No. 438 to Senate Bill No. 135 adds language requiring a developer to give hiring preference to persons living within a specified neighborhood revitalization area, an area eligible to receive a community development block grant or a Southern Nevada Enterprise Community, as applicable. The amendment deletes language requiring that 10 percent of a proposed incentive to a developer be withheld unless several conditions regarding employment and job creation are met and, instead, requires that a redevelopment agency must withhold the entire incentive until these conditions are met.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 144.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 437.

"SUMMARY—Revises provisions governing the investigation of peace officers. (BDR 23-100)"

"AN ACT relating to peace officers; revising provisions governing the investigation of peace officers; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires a law enforcement agency to provide notice to a peace officer before any interrogation or hearing is held in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action. (NRS 289.060) Section 1 of this bill requires that such notice must include the right to review ~~any administrative or investigative file~~ certain audio or video recordings before the interrogation or hearing is held.

Existing law also authorizes a peace officer who is the subject of an investigation, in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action, to have two representatives present during any phase of an interview, interrogation or hearing related to the investigation. (NRS 289.080) Section 2 of this bill provides that a peace officer who is the subject of such an investigation: (1) may not be precluded from having a representative present; (2) may not be limited to having only one representative; and (3) may have two representatives present during any phase of an interview, interrogation or hearing related to the investigation. Section 2 also provides that a peace officer who is a witness in such an investigation: (1) may not be precluded from having a representative present; (2) may not be limited to having only one representative; and (3) may have two representatives during an interview relating to the investigation. ~~Finally, section 1 limits the admissibility of a statement made by a peace officer.~~

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

Section 1. NRS 289.060 is hereby amended to read as follows:

289.060 1. Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 48 hours before any interrogation or hearing is held relating to an investigation conducted pursuant to NRS 289.057, provide a written notice to the peace officer who is the subject of the investigation. If the law enforcement agency believes that any other peace officer has any knowledge of any fact relating to the complaint or allegation against the peace officer who is the subject of the investigation, the law enforcement agency shall provide a written notice to the peace officer advising the peace officer that he or she must appear and be interviewed as a witness in connection with the investigation. Any peace officer who serves as a witness during an interview must be allowed a reasonable opportunity to arrange for the presence and assistance of a representative authorized by

NRS 289.080. Any peace officer specified in this subsection may waive the notice required pursuant to this section.

2. The notice provided to the peace officer who is the subject of the investigation must include:

- (a) A description of the nature of the investigation;
- (b) A summary of alleged misconduct of the peace officer;
- (c) ~~The right of, except as otherwise prohibited by federal or state law, to review before the interrogation or hearing any administrative or investigative file maintained by the law enforcement agency relating to the investigation, including, without limitation, any recordings, notes, transcripts of interviews and documents;~~ to review any audio or video recording pursuant to subsection 3;

- (d) The date, time and place of the interrogation or hearing;
- ~~[(d)]~~ (e) The name and rank of the officer in charge of the investigation and the officers who will conduct any interrogation or hearing;
- ~~[(e)]~~ (f) The name of any other person who will be present at any interrogation or hearing; and
- ~~[(f)]~~ (g) A statement setting forth the provisions of subsection 1 of NRS 289.080.

3. Immediately before any interrogation or hearing begins, the peace officer who is the subject of the investigation must be afforded the right to review, except as otherwise provided in this subsection, as otherwise prohibited by federal or state law or as proscribed by the officer in charge of the investigation, any audio or video recording of any incident relating to the complaint or allegation against the peace officer that is in the possession of the law enforcement agency. Such an audio or video recording of the incident:

- (a) May include, without limitation, any:
 - (1) Audio or video recording taken from a dashboard camera;
 - (2) Footage from a surveillance camera in a residential or commercial location; or
 - (3) Footage from a camera located in an interview room.
- (b) Must not include an audio or video recording of any complainant or witness.

4. The law enforcement agency shall:

- (a) Interview or interrogate the peace officer during the peace officer's regular working hours, if reasonably practicable, or revise the peace officer's work schedule to allow any time that is required for the interview or interrogation to be deemed a part of the peace officer's regular working hours. Any such time must be calculated based on the peace officer's regular wages for his or her regularly scheduled working hours. If the peace officer is not interviewed or interrogated during his or her regular working hours or if his or her work schedule is not revised pursuant to this paragraph and the law enforcement agency notifies the peace officer to appear at a time when he or she is off duty, the peace officer must be compensated for appearing at the

interview or interrogation based on the wages and any other benefits the peace officer is entitled to receive for appearing at the time set forth in the notice.

(b) Immediately before any interrogation or hearing begins, inform the peace officer who is the subject of the investigation orally on the record that:

(1) The peace officer is required to provide a statement and answer questions related to the peace officer's alleged misconduct; and

(2) If the peace officer fails to provide such a statement or to answer any such questions, the agency may charge the peace officer with insubordination.

(c) Limit the scope of the questions during the interrogation or hearing to the alleged misconduct of the peace officer who is the subject of the investigation. If any evidence is discovered during the course of an investigation or hearing which establishes or may establish any other possible misconduct engaged in by the peace officer, the law enforcement agency shall notify the peace officer of that fact and shall not conduct any further interrogation of the peace officer concerning the possible misconduct until a subsequent notice of that evidence and possible misconduct is provided to the peace officer pursuant to this chapter.

(d) Allow the peace officer who is the subject of the investigation or who is a witness in the investigation to explain an answer or refute a negative implication which results from questioning during an interview, interrogation or hearing.

~~[4.]~~ 5. If a peace officer provides a statement or answers a question relating to the alleged misconduct of a peace officer who is the subject of an investigation pursuant to NRS 289.057 after the peace officer is informed that failing to provide the statement or answer may result in punitive action against him or her, the statement or answer must not be used against the peace officer who provided the statement or answer in any subsequent criminal proceeding.

~~f 5. A statement made by a peace officer pursuant to this section is not admissible in any administrative proceeding or civil action, except:~~

~~(a) When the employing law enforcement agency is seeking civil sanctions against a peace officer, including disciplinary action;~~

~~(b) When the statement is made by a peace officer who is under interrogation in an administrative proceeding or civil action brought by the peace officer or the peace officer's representative, arising out of a disciplinary action; or~~

~~(c) When the statement is made by a peace officer who is under interrogation, and the statement is used to impeach the testimony of the peace officer, after an in camera review to determine whether the statement serves to impeach the peace officer's testimony.]~~

Sec. 2. NRS 289.080 is hereby amended to read as follows:

289.080 1. Except as otherwise provided in subsection 4, a peace officer who is the subject of an investigation conducted pursuant to NRS 289.057 ~~[may upon]~~ :

(a) *May not be precluded from having a representative;*
 (b) *May not be limited to having only one representative; and*
 (c) *May, upon request, have two representatives ~~[of the peace officer's choosing]~~, who may not be chosen by the employer,* present with the peace officer during any phase of an interrogation or hearing relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer.

2. Except as otherwise provided in subsection 4, a peace officer who is a witness in an investigation conducted pursuant to NRS 289.057 ~~[may upon]~~ :

(a) *May not be precluded from having a representative;*
 (b) *May not be limited to having only one representative; and*
 (c) *May, upon request, have two representatives ~~[of the peace officer's choosing]~~, who may not be chosen by the employer,* present with the peace officer during an interview relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer. The presence of the second representative must not create an undue delay in either the scheduling or conducting of the interview.

3. A representative of a peace officer must assist the peace officer during the interview, interrogation or hearing. The law enforcement agency conducting the interview, interrogation or hearing shall allow a representative of the peace officer to explain an answer provided by the peace officer or refute a negative implication which results from questioning of the peace officer but may require such explanation to be provided after the agency has concluded its initial questioning of the peace officer.

4. A representative must not otherwise be connected to, or the subject of, the same investigation.

5. Any information that a representative obtains from the peace officer who is a witness concerning the investigation is confidential and must not be disclosed.

6. Any information that a representative obtains from the peace officer who is the subject of the investigation is confidential and must not be disclosed except upon the:

- (a) Request of the peace officer; or
- (b) Lawful order of a court of competent jurisdiction.

➡ A law enforcement agency shall not take punitive action against a representative for the representative's failure or refusal to disclose such information.

7. The peace officer, any representative of the peace officer or the law enforcement agency may make a stenographic, digital or magnetic record of the interview, interrogation or hearing. If the agency records the proceedings, the agency shall at the peace officer's request and expense provide a copy of the:

- (a) Stenographic transcript of the proceedings; or
- (b) Recording on the digital or magnetic tape.

8. After the conclusion of the investigation, the peace officer who was the subject of the investigation or any representative of the peace officer may, if the peace officer appeals a recommendation to impose punitive action, review and copy the entire file concerning the internal investigation, including, without limitation, any recordings, notes, transcripts of interviews and documents contained in the file.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Thank you, Mr. President. Amendment No. 437 to Senate Bill No. 144 deletes language allowing an officer under investigation to review administrative and investigative files prior to a hearing. It allows the viewing of video and the listening to audio of the incident. It also deletes language regarding the admissibility in an administrative or civil proceeding of statements made by a peace officer related to the investigation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 181.

Bill read second time.

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

Amendment No. 465.

"SUMMARY—Revises provisions relating to fishing. (BDR 45-178)"

"AN ACT relating to fishing; requiring the Department of Wildlife to issue special fishing permits to certain social groups for use for the benefit of adults with disabilities; deleting the limit on the maximum number of persons that may fish under a special fishing permit; requiring the persons who are fishing to be with an officer or employee of the organization who possesses a valid fishing license; authorizing the Director of the Department or his or her designee to require the Department to expedite the issuance of a special fishing permit in certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the Department of Wildlife to issue special fishing permits to certain public or private nonprofit organizations which authorize no more than 15 persons associated with the organization to fish under the supervision of an officer or employee of the organization. (NRS 502.077) This bill: (1) includes a public or private club, foundation, program, educational institution or other social group that will use the permit for the benefit of adults with disabilities within the list of nonprofit organizations that may obtain a special fishing permit; (2) requires that at least one officer or employee of the organization be in possession of a valid Nevada fishing license and be present with the persons who are fishing pursuant to the special permit; (3) removes the limitation on the maximum number of persons who may fish under a special fishing permit; and ~~((3))~~ (4) authorizes

the Director of the Department or his or her designee to expedite an application for and the approval of the issuance of a special fishing permit under certain circumstances.

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

Section 1. NRS 502.077 is hereby amended to read as follows:

502.077 1. The Department shall issue special fishing permits to each public and private nonprofit:

- (a) Mental health facility or hospital that provides mental health services;
- (b) Facility for the detention or correctional care of juveniles;
- (c) Rehabilitation center within a hospital;
- (d) Facility or establishment that provides care for older persons;
- (e) Facility which provides temporary foster care for children who are not delinquent; ~~and~~
- (f) Club, foundation, program, educational institution or other social group operated for the benefit of children ~~[-]~~ ; *and*

(g) *Club, foundation, program, educational institution or other social group that will use the permit for the benefit of adults with disabilities.*

2. ~~[The permits:]~~ *A special fishing permit issued pursuant to this section:*

(a) Must be in the possession of ~~the~~ *an* officer or employee of the organization who is supervising a member, *adult with a disability*, student, pupil, patient or child while the member, *adult with a disability*, student, pupil, patient or child is fishing.

(b) ~~[Authorize]~~ *Authorizes* a member, *adult with a disability*, student, pupil, patient or child to fish in a legal manner if :

(1) The member, adult with a disability, student, pupil, patient or child is in the company of an officer or employee of one of the organizations listed in this section [if the officer or employee has a valid Nevada fishing license.] ; and

(2) At least one officer or employee of the organization described in subparagraph (1) is both in possession of a valid Nevada fishing license and present at the site of the event at which fishing is occurring pursuant to the special fishing permit.

(c) ~~[Must]~~ *Except as otherwise provided in subsection 5, must* be issued pursuant and subject to regulations prescribed by the Commission.

(d) Must contain the words "Nevada Special Fishing Permit" and the number of the permit printed on the face of the permit.

~~[(c) May authorize no more than 15 members, students, pupils, patients or children, respectively, to fish.]~~

3. Each organization shall pay to the Department an annual fee of \$25 for each permit issued to the organization pursuant to this section. ~~[The Department shall not issue more than two permits per year to each organization.]~~

4. It is unlawful for any person other than a member, *adult with a disability*, student, pupil, patient or child *who is* in one of these organizations

or who is supervised by and in the company of an officer or employee of one of these organizations pursuant to paragraphs (a) and (b) of subsection 2 to fish with a permit issued by the Department pursuant to this section.

5. The Director or his or her designee may require the Department to expedite an application for and the approval of the issuance of a special fishing permit pursuant to subsection 1 if the Director or his or her designee determines that special circumstances exist which require such an action.

6. As used in this section, "disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life functions of the person;

(b) A record of having such an impairment; or

(c) Being regarded as having such an impairment.

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

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 465 to Senate Bill No. 181 requires that at least one officer or employee of the organization for which the special permit was issued to be in possession of a valid Nevada fishing license and be present with the persons who are using the special fishing permit. It also strikes existing *Nevada Revised Statutes* language that prohibits the Nevada Department of Wildlife from issuing more than two special permits per year to each organization. This is a good bill and the amendment makes it better.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 201.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 257.

"SUMMARY—Revises provisions governing the employment of retired public employees. (BDR 23-559)"

"AN ACT relating to public employees' retirement; providing for the reemployment of retired public employees who are appointed to certain ~~positions~~ boards and commissions by the Governor; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law imposes certain restrictions on the reemployment of a retired public employee by a public employer that participates in the Public Employees' Retirement System. For example, the reemployment of such an employee is ordinarily limited to positions for which there is a critical labor shortage, as designated by the State Board of Examiners or other designating authority. (NRS 286.523) In most cases, the employee is also disqualified from receiving any retirement benefits from the System for the duration of the employment. (NRS 286.520)

This bill creates an exception to those provisions for a retired employee who is appointed by the Governor to a ~~position with a public employer.~~

board or commission whose members are entitled by law to an annual salary. Section 1 of this bill provides for the reemployment of such an employee subject to certain limitations, and provides that the employee: (1) may be appointed to such a position regardless of whether it is one for which there is a critical labor shortage; (2) shall, if the position is eligible to participate in the System, reenroll in the System for the duration of the appointment; (3) is not disqualified from receiving allowances under the System during the period of the appointment; and (4) does not accrue creditable service during that period or have any entitlement to additional allowances from the System. While the employee remains in the appointive position, if the position is eligible to participate in the System, section 1 also requires the employee and employer to make the contributions to the System otherwise required by law ~~and~~, but provides that the employee is not entitled to a refund of the employee's contributions made during that period. Sections 2-6 of this bill make conforming changes to the relevant provisions of chapter 286 of NRS.

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

Section 1. Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of this chapter, a retired employee who is appointed by the Governor to a ~~position with a public employer under the System;~~ salaried board or commission:

(a) May be appointed to such a position regardless of whether it is one for which there is a critical labor shortage ~~if~~, if:

(1) One year or more has elapsed since the effective date of the employee's retirement; and

(2) The employee was not a member of that board or commission before his or her retirement.

(b) If the appointive position is eligible to participate in the System, shall reenroll in the System for the duration of the appointment.

(c) Is not, because of the appointment, disqualified from receiving any allowances under the System.

(d) Does not accrue creditable service during the period of the appointment and is not entitled to any additional allowances from the System for service in the appointive position.

2. During the period of the appointment, if the appointive position is eligible to participate in the System, the employee and the employer shall make the contributions to the System otherwise required by this chapter. ~~[After the end of that period and upon written request, the]~~ The employee is not entitled to receive a refund of ~~all~~ contributions made by the employee during that period.

3. As used in this section, "salaried board or commission" means a board or commission of the State of Nevada or a political subdivision thereof whose members are entitled by law to an annual salary. The term:

(a) Includes, without limitation, the Nevada Gaming Commission and the State Gaming Control Board.

(b) Does not include a board or commission described in subsection 4 of NRS 286.297.

Sec. 2. NRS 286.297 is hereby amended to read as follows:

286.297 The following persons are not eligible to become members of the System:

1. Inmates of state institutions even though they may be receiving compensation for services performed for the institution.

2. Independent contractors or persons rendering professional services on a fee, retainer or contract basis.

3. Except as otherwise provided in NRS 286.525 ³ and section 1 of this act, persons retired under the provisions of this chapter who are employed by a participating public employer.

4. Members of boards or commissions of the State of Nevada or of its political subdivisions when such boards or commissions are advisory or directive and when membership thereon is not compensated except for expenses incurred. Receipt of a fee for attendance at official sessions of a particular board or commission does not constitute compensation for the purpose of this subsection.

5. Substitute teachers and students who are employed by the institution which they attend.

6. District judges and justices of the Supreme Court first elected or appointed on or after July 1, 1977, who are not enrolled in the System at the time of election or appointment.

7. Members of the professional staff of the Nevada System of Higher Education who are employed on or after July 1, 1977.

8. Persons employed on or after July 1, 1979, under the Comprehensive Employment and Training Act.

9. Except as otherwise provided in NRS 286.293, persons assigned to intermittent or temporary positions unless the assignment exceeds 6 consecutive months.

10. Persons employed on or after July 1, 1981, as part-time guards at school crossings.

11. Nurses who:

(a) Are not full-time employees;

(b) Are paid an hourly wage on a daily basis;

(c) Do not receive the employee benefits received by other employees of the same employer; and

(d) Do not work a regular schedule or are requested to work for a shift at a time.

Sec. 3. NRS 286.401 is hereby amended to read as follows:

286.401 ~~[Membership]~~ Except as otherwise provided in section 1 of this act, membership of an employee in the System terminates upon:

1. The death of a member.

2. The withdrawal of contributions from a member's account.
3. Receipt of retirement allowances by a member.
4. Receipt of disability allowances by a member.

➡ A retired employee is not entitled to any right conferred by this chapter upon a member unless the provision conferring that right expressly states that it is conferred upon a retired employee.

Sec. 4. NRS 286.520 is hereby amended to read as follows:

286.520 1. Except as otherwise provided in this section and NRS 286.525, the consequences of the employment of a retired employee are:

(a) A retired employee who accepts employment or an independent contract with a public employer under this System is disqualified from receiving any allowances under this System for the duration of that employment or contract if:

(1) The retired employee accepted the employment or contract within 90 calendar days after the effective date of the employee's retirement; or

(2) The retired employee is employed in a position which is eligible to participate in this System.

(b) If a retired employee accepts employment or an independent contract with a public employer under this System more than 90 calendar days after the effective date of the employee's retirement in a position which is not eligible to participate in this System, the employee's allowance under this System terminates upon the employee's earning an amount equal to one-half of the average salary for participating public employees who are not police officers or firefighters in any fiscal year, for the duration of that employment or contract.

(c) If a retired employee accepts employment with an employer who is not a public employer under this System, the employee is entitled to the same allowances as a retired employee who has no employment.

2. The retired employee and the public employer shall notify the System:

(a) Within 10 days after the first day of an employment or contract governed by paragraph (a) of subsection 1.

(b) Within 30 days after the first day of an employment or contract governed by paragraph (b) of subsection 1.

(c) Within 10 days after a retired employee earns more than one-half of the average salary for participating public employees who are not police officers or firefighters in any fiscal year from an employment or contract governed by paragraph (b) of subsection 1.

3. For the purposes of this section, the average salary for participating public employees who are not police officers or firefighters must be computed on the basis of the most recent actuarial valuation of the System.

4. If a retired employee who accepts employment or an independent contract with a public employer under this System pursuant to this section elects not to reenroll in the System pursuant to subsection 1 of NRS 286.525, the public employer with which the retired employee accepted employment

or an independent contract may pay contributions on behalf of the retired employee to a retirement fund which is not a part of the System in an amount not to exceed the amount of the contributions that the public employer would pay to the System on behalf of a participating public employee who is employed in a similar position.

5. If a retired employee is chosen by election or appointment to fill an elective public office, the retired employee is entitled to the same allowances as a retired employee who has no employment, unless the retired employee is serving in the same office in which the retired employee served and for which the retired employee received service credit as a member. A public employer may pay contributions on behalf of such a retired employee to a retirement fund which is not a part of the System in an amount not to exceed the amount of the contributions that the public employer would pay to the System on behalf of a participating public employee who serves in the same office.

6. The System may waive for one period of 30 days or less a retired employee's disqualification under this section if the public employer certifies in writing, in advance, that the retired employee is recalled to meet an emergency and that no other qualified person is immediately available.

7. A person who accepts employment or an independent contract with either house of the Legislature or by the Legislative Counsel Bureau is exempt from the provisions of subsections 1 and 2 for the duration of that employment or contract.

8. A person who accepts employment with a volunteer fire department of which all the volunteers have become members of the System pursuant to NRS 286.367 is exempt from the provisions of subsections 1 and 2 for the duration of that employment.

9. *A retired employee described in section 1 of this act who is appointed by the Governor to a position described in that section is exempt from the provisions of subsections 1 and 2 for the duration of the appointment.*

Sec. 5. NRS 286.523 is hereby amended to read as follows:

286.523 1. It is the policy of this State to ensure that the reemployment of a retired public employee pursuant to this section is limited to positions of extreme need. An employer who desires to employ such a retired public employee to fill a position for which there is a critical labor shortage must make the determination of reemployment based upon the appropriate and necessary delivery of services to the public.

2. The provisions of subsections 1 and 2 of NRS 286.520 do not apply to a retired employee who accepts employment or an independent contract with a public employer under the System if:

(a) The retired employee fills a position for which there is a critical labor shortage; and

(b) At the time of the retired employee's reemployment, the retired employee is receiving:

(1) A benefit that is not actuarially reduced pursuant to subsection 6 of NRS 286.510; or

(2) A benefit actuarially reduced pursuant to subsection 6 of NRS 286.510 and has reached the required age at which the retired employee could have retired with a benefit that was not actuarially reduced pursuant to subsection 6 of NRS 286.510.

3. A retired employee who is reemployed under the circumstances set forth in subsection 2 may reenroll in the System as provided in NRS 286.525.

4. Positions for which there are critical labor shortages must be determined in an open public meeting held by the designating authority as follows:

(a) Except as otherwise provided in this subsection, the State Board of Examiners shall designate positions in State Government for which there are critical labor shortages.

(b) The Supreme Court shall designate positions in the Judicial Branch of State Government for which there are critical labor shortages.

(c) The Board of Regents shall designate positions in the Nevada System of Higher Education for which there are critical labor shortages.

(d) The board of trustees of each school district shall designate positions within the school district for which there are critical labor shortages.

(e) The governing body of a charter school shall designate positions within the charter school for which there are critical labor shortages.

(f) The governing body of a local government shall designate positions with the local government for which there are critical labor shortages.

(g) The Board shall designate positions within the System for which there are critical labor shortages.

5. In determining whether a position is a position for which there is a critical labor shortage, the designating authority shall make findings based upon the criteria set forth in this subsection that support the designation. Before making a designation, the designating authority shall consider all efforts made by the applicable employer to fill the position through other means. The written findings made by the designating authority must include:

(a) The history of the rate of turnover for the position;

(b) The number of openings for the position and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted;

(c) The length of time the position has been vacant;

(d) The difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position; and

(e) The history and success of the efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State and all other efforts made.

6. A designating authority that designates a position as a critical need position shall submit to the System its written findings which support that

designation made pursuant to subsection 5 on a form prescribed by the System. The System shall compile the forms received from each designating authority and provide a biennial report on the compilation to the Interim Retirement and Benefits Committee of the Legislature.

7. A designating authority shall not designate a position pursuant to subsection 4 as a position for which there is a critical labor shortage for a period longer than 2 years. To be redesignated as such a position, the designating authority must consider and make new findings in an open public meeting as to whether the position continues to meet the criteria set forth in subsection 5.

8. *The provisions of this section do not apply to a retired employee described in section 1 of this act who is appointed by the Governor to a position described in that section.*

Sec. 6. NRS 286.525 is hereby amended to read as follows:

286.525 *Except as otherwise provided in section 1 of this act:*

1. A retired employee who accepts employment in a position eligible for membership may enroll in the System as of the effective date of that employment. As of the date of enrollment:

(a) The retired employee forfeits all retirement allowances for the duration of that employment.

(b) The retired employee is entitled to receive, after the termination of the employment and upon written request, a refund of all contributions made by the retired employee during the employment. Except as otherwise required as a result of NRS 286.535 or 286.537, if the retired employee does not request the refund and the duration of the employment was at least 6 months, the retired employee gains additional service credit for that employment and is entitled to have a separate service retirement allowance calculated based on the retired employee's compensation and service, effective upon the termination of that employment. If the duration of the employment was:

(1) Less than 5 years, the additional allowance must be added to the retired employee's original allowance and must be under the same option and designate the same beneficiary as the original allowance.

(2) Five years or more, the additional allowance may be under any option and designate any beneficiary in accordance with NRS 286.545.

2. The original service retirement allowance of such a retired employee must not be recalculated based upon the additional service credit, nor is the retired employee entitled to any of the rights of membership that were not in effect at the time of the retired employee's original retirement. The accrual of service credit pursuant to this section is subject to the limits imposed by:

(a) NRS 286.551; and

(b) Section 415 of the Internal Revenue Code, 26 U.S.C. § 415, if the member's effective date of membership is on or after January 1, 1990.

3. Except as otherwise required as a result of NRS 286.470, 286.535 or 286.537, a retired employee who has been receiving a retirement allowance and who is reemployed and is enrolled in the System for at least 5 years may

have the retired employee's additional credit for service added to the retired employee's previous credit for service. This additional credit for service must not apply to more than one period of employment after the original retirement.

4. The survivor of a deceased member who had previously retired and was rehired and enrolled in the System, who qualifies for benefits pursuant to NRS 286.671 to 286.6793, inclusive, is eligible for the benefits based on the service accrued through the second period of employment.

Sec. 7. This act becomes effective upon passage and approval.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Thank you, Mr. President. Amendment No. 257 to Senate Bill No. 201 provides that the Governor may reappoint a retired employee only to a salaried board or commission. No employee may be appointed to the same board or commission from which they retired. No employee may be appointed for one year after their official retirement date. The Public Employees' Retirement System contributions made by both the employer and the employee remain with Public Employees' Retirement System.

Amendment adopted.

Senator Smith moved that Senate Bill No. 201 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Senate Bill No. 213.

Bill read second time.

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

Amendment No. 549.

"SUMMARY—Revises certain provisions relating to ~~the~~ trapping ~~of wild animals.~~ (BDR 45-450)"

"AN ACT relating to trapping; requiring the registration of each trap, snare ~~[poisoning device]~~ or similar device used in the taking of wild mammals; authorizing the removal or disturbance of a trap, snare ~~[poisoning device]~~ or similar device under certain circumstances; requiring the ~~marking of a trap, snare, poisoning device or similar device with a warning flag; increasing~~ Board of Wildlife Commissioners to adopt regulations prescribing the frequency of required visits for a trap, snare ~~[poisoning device]~~ or similar device; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that any person who intentionally steals, takes and carries away personal goods or property of another person with a value of less than \$650 or who knowingly buys, receives, possesses or withholds such property is guilty of a misdemeanor. (NRS 205.240, 205.275) Section 1.6 of this bill provides that a person who intentionally steals, takes and carries away traps, snares or similar devices with an aggregate value of less than

\$650 or who knowingly buys, receives, possesses or withholds stolen traps, snares or similar devices with an aggregate value of less than \$650 is guilty of a gross misdemeanor.

Existing law requires a person who takes fur-bearing mammals by any legal method or unprotected mammals by trapping to obtain a trapping license. (NRS 503.454) Existing law also provides that each trap, snare or similar device used in the taking of wild mammals may bear a number registered with the Department of Wildlife or may be permanently marked with the name and address of the owner or trapper using it. If a trap is registered, the registration is permanent and the registrant must pay a one-time fee of \$10 at the time the first trap, snare or similar device is registered. (NRS 503.452) Section 3 of this bill amends those provisions by: (1) requiring each trap, snare, ~~[poisoning device]~~ or similar device used in the taking of wild mammals to be registered with the Department of Wildlife; and (2) requiring each registered trap, snare ~~[poisoning device]~~ or similar device to bear a number assigned by the Department ~~[for be permanently marked with the name and address of the owner or trapper using it.]~~

Under existing law, it is unlawful to move or disturb a lawfully-set trap. (NRS 503.454) Section 4 of this bill removes this prohibition for a trap, snare, ~~[poisoning device]~~ or similar device that creates immediate and obvious risk or injury or death to persons, pets and service animals. ~~[Section 4 also requires a person who sets a trap, snare, poisoning device or similar device to mark the locations of those devices with flags.]~~

Existing law requires each person who sets or places a trap, snare or similar device to visit those devices at least once every 96 hours and requires the removal of trapped ~~[animals]~~ mammals from the devices. (NRS 503.570) Section 5 of this bill ~~[increases the required frequency of those visits to at least once every 24 hours. Under existing law, employees of the State Department of Agriculture and the United States Department of Agriculture are exempt from this requirement when acting in their official capacities. (NRS 503.570) Section 5 deletes this exemption, notwithstanding any applicable federal immunity or preemption.]~~ requires the Board of Wildlife Commissioners to adopt regulations prescribing the frequency at which a person who sets or places a trap, snare or similar device is required to visit the trap, snare or similar device, which must be at least once every 96 hours.

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto ~~the~~ a new section to read as follows: the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. "Trap" means a device that is designed, built or made to close upon or hold fast any portion of an animal.

Sec. 1.6. 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 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:

(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. 2. NRS 501.001 is hereby amended to read as follows:

501.001 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, and section ~~44~~ 1.3 of this act have the meanings ascribed to them in those sections.

Sec. 3. NRS 503.452 is hereby amended to read as follows:

503.452 1. Each trap, snare ~~or poisoning device~~ or similar device used in the taking of wild mammals ~~may~~ must be registered with the Department before it is used. Each registered trap, snare ~~or poisoning device~~ or similar device must bear a number ~~registered with~~ assigned by the Department. ~~for be permanently marked with the name and address of the owner or trapper using it.~~ [If a trap is registered, the] The registration of a trap, snare ~~or poisoning device~~ or similar device is ~~permanent~~ valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred.

2. A registration fee of \$10 for each registrant is payable only once ~~by~~ by each person who registers a trap, snare ~~or poisoning device~~ or similar device. The fee must be paid at the time the first trap, snare ~~or poisoning device~~ or similar device is registered.

3. A trap, snare or similar device sold or for which ownership is otherwise transferred on or after July 31, 2013, must not bear the registration number of the seller or transferor unless the trap, snare or similar device was permanently marked with the registration number of the person before that date.

4. It is unlawful to possess or use a trap, snare or similar device registered to another person without written authorization from the person to whom the trap, snare or similar device is registered.

5. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.

6. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential and the Department shall not disclose that information unless required to do so by law or court order.

Sec. 4. NRS 503.454 is hereby amended to read as follows:

503.454 1. Every person who takes fur-bearing mammals by ~~{any legal method}~~ trap, snare ~~f, poisoning device~~ or similar device or unprotected mammals by trapping or sells raw furs for profit shall procure a trapping license.

2. It is unlawful to remove or disturb the trap, snare ~~f, poisoning device~~ or similar device of any holder of a trapping license while the trap, snare ~~f, poisoning device~~ or similar device is being legally used by the holder on public land or on land where the holder has permission to trap ~~[.] unless the trap, snare f, poisoning device~~ or similar device creates an immediate and obvious risk of injury or death to any person, pet or service animal.

3. ~~{Every person who takes fur bearing mammals or unprotected mammals by trap, snare, poisoning device or similar device shall mark each trap, snare, poisoning device or similar device he or she sets with a flag which is clearly visible and of sufficient size to warn a person who is in close proximity to the trap, snare, poisoning device or similar device of its location.}~~

~~4. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.~~

Sec. 5. NRS 503.570 is hereby amended to read as follows:

503.570 1. A person taking or causing to be taken wild mammals ~~{animals}~~ by means of traps, snares ~~f, poisoning devices~~ or ~~{any other}~~ similar devices which do not, or are not designed to, cause immediate death to the mammals, shall, if the traps, snares ~~f, poisoning devices~~ or similar devices are placed or set to take mammals, ~~{animals,}~~ visit or cause to be visited ~~{at least once each}~~ [96] ~~{24 hours}~~ each trap, snare ~~f, poisoning device~~ or ~~{other}~~ similar device at a frequency specified in regulations adopted by the Commission pursuant to subsection 3 during all of the time the trap, snare ~~f, poisoning device~~ or similar device is placed, set or used to take wild mammals, ~~{animals,}~~ and remove therefrom any mammals ~~{animals}~~ caught therein.

2. The provisions of subsection 1 do not apply to employees of the State Department of Agriculture or the United States Department of Agriculture when acting in their official capacities.

3. The Commission shall adopt regulations setting forth the frequency at which a person who takes or causes to be taken wild mammals by means of traps, snares or similar devices which do not, or are not designed to, cause immediate death to the mammals must visit a trap, snare or similar device. The regulations must require the person to visit a trap, snare or similar device at least once each 96 hours. In adopting the regulations, the Commission shall consider requiring a trap, snare or similar device placed in close proximity to a populated or heavily used area by persons to be visited more frequently than a trap, snare or similar device which is not placed in close proximity to such an area.

Sec. 5.5. 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 and 475.105, and section 1.6 of this act, 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, owned by another person;

(2) Bedding, furniture or other property, with a value of less than \$650, 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, 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, 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. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 5.6. NRS 205.275 is hereby amended to read as follows:

205.275 1. ~~1A~~ Except as otherwise provided in section 1.6 of this act, 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, is guilty of a misdemeanor;

(b) If the value of the property is \$650 or more but less than \$3,500, is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If the value of the property is \$3,500 or more 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.

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. 6. 1. This section ~~and~~ sections 1 ~~to~~ 2, inclusive, 4, 5.5 and ~~5.6~~ 5.6 of this act become effective upon passage and approval.

2. ~~Section~~ Sections 3 and 5 of this act ~~becomes~~ become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on ~~October 1,~~ July 31, 2013, for all other purposes.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 549 to Senate Bill No. 213 requires that the trap registration required in the bill is valid until the trap or snare is sold. It specifies that any trap registration information maintained by the Nevada Department of Wildlife is deemed confidential unless required to be disclosed by law or a court order. The amendment specifies that traps sold after July 31, 2013, must not bear the seller's trap registration number, unless the trap was permanently marked prior to July 31. It provides that a person convicted of possessing a stolen trap or traps with a total value of \$650 is guilty of a gross misdemeanor.

Amendment No. 549 to Senate Bill No. 213 provides that stolen traps must be reported by the owner to Nevada Department of Wildlife as soon as possible. It removes all references to "poisoning device" in the bill. It also deletes provisions that would have required the flagging of traps. Finally, the amendment deletes the proposed trap visitation language in Section 5 and instead replaces it with language requiring the Board of Wildlife Commissioners to set the visitation times by regulation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 230.

Bill read second time.

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

Amendment No. 464.

"SUMMARY—Authorizes the construction or installation of a memorial dedicated to Nevada's fallen soldiers. (BDR S-553)"

"AN ACT relating to public works; requiring the Administrator of the State Public Works Division of the Department of Administration to authorize the construction or installation of a memorial dedicated to Nevada's fallen soldiers on the Capitol Complex; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill requires the Administrator of the State Public Works Division of the Department of Administration to authorize the construction or installation of a memorial dedicated to Nevada's fallen soldiers on the Capitol Complex. This bill requires ~~{Gold Star Families of Nevada National, Inc.,}~~ the American Legion Department of Nevada, or its successor organization, to submit a design for the memorial to the Administrator for his or her approval. This bill also requires the ~~{Office of Veterans Services}~~ Nevada Veterans Services Commission to determine the criteria for the placing of names on the memorial and authorizes the Administrator to accept any gift, grant or donation from any source for the maintenance of the memorial. Finally, this bill prohibits the use of any public money for the design, construction or installation of the memorial.

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

Section 1. 1. The Administrator of the State Public Works Division of the Department of Administration shall, upon compliance with the provisions of this section, allow ~~{Gold Star Families of Nevada National, Inc.,}~~ the American Legion Department of Nevada, or its successor organization, to construct or install a memorial dedicated to Nevada's fallen soldiers. The memorial must be constructed or installed at an appropriate location on the Capitol Complex as determined by the Administrator.

2. ~~{Gold Star Families of Nevada National, Inc.,}~~ The American Legion Department of Nevada, or its successor organization, shall submit to the Administrator a design for the memorial for approval by the Administrator. Upon approval of the design, the construction or installation of the memorial may begin.

3. The ~~{Office of Veterans Services}~~ Nevada Veterans Services Commission shall determine the criteria for the placing of names of Nevada's fallen soldiers on the memorial.

4. The Administrator may accept any gift, grant or donation from any source. Any money received pursuant to this subsection must be accounted for separately and used only for the maintenance of the memorial.

5. No public money may be spent for the design, construction or installation of the memorial.

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

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Thank you, Mr. President. Amendment No. 464 to Senate Bill No. 230 changes references to "Gold Star Families of Nevada National, Inc." to "American Legion Department of Nevada, or its successor organization." It also specifies that the Nevada Veterans Services Commission, instead of the Office of Veterans Services, shall determine the criteria for placing names on the fallen soldiers memorial.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 301.

Bill read second time.

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

Amendment No. 560.

"SUMMARY—Provides for assignment of property tax liens. (BDR 32-969)"

"AN ACT relating to taxation; requiring a county treasurer to assign a tax lien against a parcel of real property located within the county if an assignment is authorized by an agreement between the owner of the property and the assignee; requiring the county treasurer to issue a certificate of assignment for each tax lien assigned; authorizing the assignee of a tax lien to commence an action against the property owner for the collection of the delinquent taxes, penalties, interest, fees and costs or to pursue any other remedy authorized by the agreement with the owner; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes a county treasurer to sell a tax lien against a parcel of real property upon which taxes have become delinquent. The consent of the owner of the property is not a prerequisite to such a sale. (NRS 361.731-361.733) This bill amends those provisions to delete references to the sale of a tax lien and to require that the county treasurer assign a tax lien if the property owner and the assignee enter into a written agreement that so provides and the assignee pays to the county treasurer an amount equal to the delinquent taxes and accrued penalties, interest, fees and costs. Section 4 of this bill sets forth the mandatory and permissible terms of such an agreement. Sections 5-10 of this bill revise various provisions relating to delinquent taxes and the collection of such taxes to add references to the assignee of a tax lien, and to provide for an action by the assignee against the owner to recover delinquent taxes, penalties, interest, fees and costs. Sections ~~11-20~~ 11-19 of this bill amend existing provisions governing the sale of a tax lien to provide for the assignment of the lien and the respective rights and duties of the county treasurer, the owner of the property, ~~the assignee, and certain other persons with an interest in the property.~~ Section 21 of this bill authorizes an assignee to bring an action against the owner for the recovery of delinquent taxes, penalties, interest, fees and costs, or to pursue any other remedy authorized by the assignee's agreement with the owner.

Existing law imposes certain limitations on the enforcement of any right secured by a mortgage or other lien upon real estate. (NRS 40.430) Section 22 of this bill provides that these limitations are not applicable to any action, described above, brought by an assignee against an owner to recover delinquent taxes or brought pursuant to an agreement between the assignee and the owner.

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

Section 1. Chapter 361 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in this section and NRS 361.731 to 361.733, inclusive, and sections 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 361.731 and section 3 of this act have the meanings ascribed to them in those sections.*

Sec. 3. "Assignee" means a person:

1. To whom an assignment of a tax lien is authorized pursuant to this section and NRS 361.731 to 361.733, inclusive, and sections 2 and 4 of this act; or

2. Who is the holder of a certificate of assignment issued pursuant to NRS 361.7318.

Sec. 4. 1. ~~If any taxes assessed against a parcel of real property pursuant to this chapter are delinquent and the requirements of NRS 361.7316 are otherwise satisfied, an owner of ~~real~~ the property may authorize the county treasurer of the county in which the property is located to assign to an assignee ~~any~~ the tax lien on the property. ~~If, whether the tax lien exists as of the date of the authorization or arises after that date,~~ Any such authorization must be in writing and acknowledged by the owner before a notary public.~~

2. An authorization given pursuant to this section must be made pursuant to a separate written agreement between the owner and the assignee. The agreement:

(a) Must provide that ~~if a tax lien is assigned pursuant to the authorization:~~

~~(1) The assignee is required to give written notice of the assignment to the owner within 10 business days after the date of the assignment;~~

~~(2) :~~

~~(1) The owner may redeem the tax lien by paying to the assignee the amounts required by the agreement, in the manner provided by the agreement; and~~

~~[(3)] (2) The ~~owner is entitled to receive, and the~~ assignee is required to issue a release of the tax lien to the owner ~~if, a certificate of redemption of the lien~~ within 20 business days after the owner pays in full the amounts required by the agreement and otherwise fully performs the owner's obligations under the agreement.~~

(b) May provide for payment by the owner to the assignee of:

(1) The amount paid by the assignee to the county treasurer pursuant to NRS 361.7312 as consideration for the assignment;

(2) Fees for recording and other expenses incurred by the assignee in connection with the authorization and ~~any~~ assignment; ~~made pursuant to the authorization;~~

(3) Interest on the foregoing amounts, until paid as provided by the agreement, at a rate not to exceed 15 percent per annum; and

(4) Any costs reasonably and necessarily incurred by the assignee to enforce the agreement or the tax lien, including, without limitation, attorney's fees and costs of suit, if the owner does not redeem the lien or otherwise does not perform in accordance with the agreement.

(c) May provide for ~~one or more~~ either or both of the following remedies if the owner fails to redeem the tax lien or otherwise fails to perform in accordance with the agreement:

(1) An action by the assignee for collection of the amounts due pursuant to the agreement, as provided by law for the enforcement of contracts in writing; and

(2) An action by the assignee for collection of the taxes, penalties, interest, fees and costs relating to the tax lien, in the manner provided by NRS 361.625 to 361.730, inclusive ~~for~~

~~(3) The exercise by the assignee of any power of sale conferred by the agreement upon the assignee or any agent of the assignee. An assignee or an agent of the assignee who exercises such a power of sale shall proceed as provided in NRS 107.080 to 107.110, inclusive, insofar as those provisions are not inconsistent with this section and NRS 361.731 to 361.733, inclusive, and sections 2 and 3 of this act.~~ except insofar as any provision of those sections applies only to the district attorney of the county or an action commenced by the district attorney.

3. The assignee shall cause the agreement described in subsection 2, with the certificate of assignment of the tax lien issued pursuant to NRS 361.7318, to be recorded in the office of the county recorder of the county in which the property is located.

Sec. 5. NRS 361.5648 is hereby amended to read as follows:

361.5648 1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:

(a) The owner or owners of the property;

(b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known; ~~and~~

(c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured property by the parcel number assigned to it in accordance with the provisions of NRS 361.189 ~~[-]~~; and

(d) Each assignee of a tax lien on the property, if the assignee has made a request in writing to the tax receiver for the notice described in paragraph (c).

2. The notice of delinquency must state:

(a) The name of the owner of the property, if known.

- (b) The description of the property on which the taxes are a lien.
- (c) The amount of the taxes due on the property and the penalties and costs as provided by law.
- (d) That if the amount is not paid by *or on behalf of* the taxpayer or his or her successor in interest ~~[-~~:

~~{(1) The}~~, the tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing the county treasurer to hold the property, subject to redemption within 2 years after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid as provided by law, except as otherwise provided in NRS 360.232 and 360.320, and that redemption may be made in accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

~~{(2) A tax lien may be sold against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive.}~~

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his or her personal affidavit to the board of county commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable. Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of the affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.

Sec. 6. NRS 361.570 is hereby amended to read as follows:

361.570 1. Pursuant to the notice given as provided in NRS 361.5648 and 361.565 and at the time stated in the notice, the tax receiver shall make out a certificate that describes each property on which delinquent taxes, penalties, interest and costs have not been paid. The certificate authorizes the county treasurer, as trustee for the State and county, to hold each property described in the certificate for the period of 2 years after the first Monday in June of the year the certificate is dated, unless sooner redeemed.

2. The certificate must specify:

(a) The amount of delinquency on each property, including the amount and year of assessment;

(b) The taxes, and the penalties and costs added thereto, on each property, and that, except as otherwise provided in NRS 360.232 and 360.320, interest on the taxes will be added at the rate of 10 percent per annum, assessed monthly, from the date due until paid; and

(c) The name of the owner or taxpayer of each property, if known.

3. The certificate must state:

(a) That each property described in the certificate may be redeemed within 2 years after the date of the certificate;

(b) That the title to each property not redeemed vests in the county for the benefit of the State and county; and

(c) That a tax lien may be ~~solely~~ *assigned* against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive ~~[]~~ , *and sections 2, 3 and 4 of this act.*

4. Until the expiration of the period of redemption, each property held pursuant to the certificate must be assessed annually to the county treasurer as trustee. Before the owner or his or her successor redeems the property, he or she must also pay the county treasurer holding the certificate any additional taxes, penalties and costs assessed and accrued against the property after the date of the certificate, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid, unless otherwise provided in NRS 360.232 and 360.320.

5. A county treasurer shall take a certificate issued to him or her pursuant to this section. The county treasurer may cause the certificate to be recorded in the office of the county recorder against each property described in the certificate to provide constructive notice of the amount of delinquent taxes on each property respectively. The certificate reflects the amount of delinquent taxes, penalties, interest and costs due on the properties described in the certificate on the date on which the certificate was recorded, and the certificate need not be amended subsequently to indicate additional taxes, penalties, interest and costs assessed and accrued or the repayment of any of those delinquent amounts. The recording of the certificate does not affect the statutory lien for taxes provided in NRS 361.450.

Sec. 7. NRS 361.645 is hereby amended to read as follows:

361.645 1. The delinquent list or a copy thereof certified by the county treasurer showing unpaid taxes against any person or property is prima facie evidence in any court in an action commenced by the district attorney pursuant to the provisions of this chapter to prove:

(a) The assessment.

(b) The property assessed.

(c) The delinquency.

(d) The amount of taxes due and unpaid.

(e) That all the forms of law in relation to the assessment and levy of those taxes have been complied with.

2. A certificate of ~~{purchase}~~ *assignment* of a tax lien issued pursuant to NRS 361.731 to 361.733, inclusive, *and sections 2, 3 and 4 of this act* or a copy thereof which is certified by the county treasurer and which indicates the ~~{sale}~~ *assignment* of a tax lien to collect unpaid taxes on a parcel of real property is prima facie evidence in any court in an action commenced by the ~~{holder of the certificate of purchase}~~ *assignee* to prove:

- (a) The assessment.
- (b) The property assessed.
- (c) The delinquency.
- (d) ~~{The amount of taxes, penalties, interest and costs due and unpaid.}~~
- ~~(e)}~~ That all the forms of law in relation to the assessment and levy of those taxes and the ~~{sale}~~ *assignment* of the tax lien have been complied with.

Sec. 8. NRS 361.650 is hereby amended to read as follows:

361.650 1. Actions authorized by NRS 361.635 must be commenced in the name of the State of Nevada against the person or persons so delinquent, and against all owners, known or unknown.

2. An action authorized by NRS 361.733 must be commenced in the name of the ~~{holder of the certificate of purchase}~~ *assignee* of the tax lien against the person or persons delinquent in the payment of the taxes on the parcel of real property which is the subject of the tax lien and against all owners, known or unknown, of that parcel.

3. Any action described in subsection 1 or 2 may be commenced in the county where the assessment is made, before any court in the county having jurisdiction of the amount thereof. The jurisdiction must be determined solely by the amount of delinquent taxes, exclusive of penalties and costs sued for, without regard to the location of the lands or other property as to townships, cities or districts, and without regard to the residence of the person or persons, or owner or owners, known or unknown.

Sec. 9. NRS 361.685 is hereby amended to read as follows:

361.685 1. The district attorney or the ~~{holder of a certificate of purchase}~~ *assignee* of a tax lien ~~{issued}~~ *assigned* pursuant to NRS 361.731 to 361.733, inclusive, *and sections 2, 3 and 4 of this act* shall file in the office of the county recorder a copy of each notice published or posted, with the affidavit of the publisher or foreman in the office, setting forth the date of each publication of the notice in the newspaper in which the notice was published.

2. The officers shall file a copy of the notices posted, with an affidavit of the time and place of posting.

3. Copies so filed or certified copies thereof are prima facie evidence of all the facts contained in the notice or affidavit, in all courts in the State.

4. The publishers are entitled to not more than the legal rate for each case for publishing a notice, including the making of the affidavit.

5. The county recorder is entitled to 50 cents for filing each notice of publication, including the affidavit.

6. The sums allowed must be taxed and collected as other costs in the case from the defendant, and in no case may they be charged against or collected from the county or State.

Sec. 10. NRS 361.695 is hereby amended to read as follows:

361.695 The defendant may answer by a verified pleading:

1. That the taxes, penalties, interest and costs have been paid before suit.
2. That the taxes, penalties, interest and costs have been paid since suit, or that the property is exempt from taxation under the provisions of this chapter.

3. Denying all claim, title or interest in the property assessed at the time of the assessment.

4. That the land is ~~situate~~ situated in, and has been assessed in, another county, and the taxes thereon paid.

5. Alleging fraud in the assessment, or that the assessment is out of proportion to and above the taxable value of the property assessed. If the defense is based upon the ground that the assessment is above the taxable value of the property, the defense is only valid as to the proportion of the tax based upon the excess of valuation, but in no such case may an entire assessment be declared void.

6. If the action is brought by the ~~holder of a certificate of purchase~~ assignee of a tax lien ~~issued~~ assigned pursuant to NRS 361.731 to 361.733, inclusive, ~~and sections 2, 3 and 4 of this act~~, that the ~~defendant is the owner of a parcel of real property against which a tax lien was~~ assignment ~~did not comply with the provisions of NRS 361.731 to 361.733, inclusive~~ did not comply with the provisions of NRS 361.731 to 361.733, inclusive ~~and sections 2, 3 and 4 of this act~~.

7. If the action is brought by the ~~holder of a certificate of purchase~~ assignee of a tax lien ~~issued~~ assigned pursuant to NRS 361.731 to 361.733, inclusive, ~~and sections 2, 3 and 4 of this act~~, that the defendant has redeemed the tax lien pursuant to NRS 361.7326 ~~for as provided in an agreement between the defendant and the assignee entered into pursuant to section 4 of this act. The defendant shall file the certificate of redemption issued pursuant to NRS 361.7326 or by the assignee with his or her answer.~~

Sec. 11. NRS 361.731 is hereby amended to read as follows:

361.731 ~~As used in NRS 361.731 to 361.733, inclusive, unless the context otherwise requires, "tax" "Tax lien" means a perpetual lien which remains against a parcel of real property until the taxes assessed against that parcel and any penalties, interest, fees and costs which may accrue thereon are paid~~ As used in NRS 361.731 to 361.733, inclusive, unless the context otherwise requires, "tax" "Tax lien" means a perpetual lien which remains against a parcel of real property until the taxes assessed against that parcel and any penalties, interest, fees and costs which may accrue thereon are paid in the following manner:

1. To the county treasurer; or

2. If the lien is assigned pursuant to NRS 361.731 to 361.733, inclusive, and sections 2, 3 and 4 of this act, to the assignee or any successor in interest of the assignee.

Sec. 12. NRS 361.7312 is hereby amended to read as follows:

361.7312 1. Except as otherwise provided in ~~this section,~~ subsection 2, a county ~~may,~~ treasurer shall ~~in lieu of the remedies for the~~

~~collection of delinquent taxes set forth in NRS 361.5648 to 361.730, inclusive; [sell] assign a tax lien against a parcel of real property upon which the taxes are delinquent [pursuant to the provisions of NRS 361.731 to 361.733, inclusive] [-] [, and sections 2, 3 and 4 of this act] if the assignee:~~

~~(a) Presents the county treasurer with:~~

~~(1) Written authorization for the assignment, duly executed by the owner of the property in accordance with section 4 of this act; and~~

~~(2) Evidence that the assignee has posted and maintains the bond required by NRS 361.7314 in the penal sum required by that section ~~for~~ , or an affidavit showing that the assignee is exempt from the requirement pursuant to subsection 4 of that section; and~~

~~(b) Tenders to the county treasurer the full amount of the delinquent taxes and any applicable penalties, interest, fees and costs. Payment must be made in cash or by certified check, money order or wire transfer.~~

~~2. [Except as otherwise provided in this section, a county may] [sell] ~~assign a tax lien to any~~ [purchaser.] ~~assignee.~~ A county treasurer may not [sell] assign a tax lien to a government, governmental agency or political subdivision of a government . ~~[, or to any insurer.] [other than an insurer that:~~~~

~~(a) Is entitled to receive the credit set forth in NRS 680B.050 because it owns and substantially occupies and uses a building in this State as its home office or as a regional home office; or~~

~~(b) Issues in this State a policy of insurance for medical malpractice.]~~

~~3. [4. For the purposes of this section] [-:~~

~~(a) "Insurer" [, "insurer" has the meaning ascribed to it in NRS 679A.100.]~~

~~[(b) "Policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.] An assignment of a tax lien pursuant to this section does not affect the priority of the tax lien.~~

Sec. 13. NRS 361.7314 is hereby amended to read as follows:

361.7314 1. ~~[Before a county may] [offer for sale tax liens against parcels] ~~assign a tax lien against any parcel of real property located within the county~~ [, the board of county commissioners of that county must adopt by resolution a procedure for the sale and transfer of tax liens by the county treasurer.~~

~~2. The procedure must include, but is not limited to:~~

~~(a) The requirements for notice of the sale of the tax lien. The notice must include:~~

~~(1) The date, time and location of the sale; and~~

~~(2) An indication of all other tax liens against the property that have been previously sold.~~

~~(b) The manner in which:~~

~~(1) A tax lien is selected for sale;~~

~~(2) The price to purchase a tax lien is determined; and~~

(3) ~~The holder of a certificate of purchase issued pursuant to NRS 361.7318 may collect the delinquent taxes, interest, penalties and costs on the parcel of real property which is the subject of the tax lien.] ~~for an assignee, or before an assignee may transfer a certificate of assignment to another person pursuant to NRS 361.7318, the assignee or transferee, as applicable, must~~ Except as otherwise provided in subsection 4, an assignee shall post a cash bond or surety bond; ~~with the Secretary of State;~~~~

(a) ~~In the penal sum of \$500,000; ~~for an amount equal to the full amount of the delinquent taxes and any applicable penalties, interest and costs covered by the tax lien, whichever amount is greater;~~~~ and

(b) ~~Conditioned to provide indemnification to ~~the~~ any owner of ~~the~~ real property in this State with respect to which a tax lien is assigned to the assignee if the owner is determined to have suffered damage as a result of the assignee's ~~for transferee's~~ wrongful failure or refusal to perform the obligations of the assignee ~~for transferee~~ under an agreement entered into pursuant to section 4 of this act.~~

2. No part of the bond required by this section may be withdrawn while any agreement entered into pursuant to section 4 of this act, to which the assignee is a party, remains in effect with respect to real property in this State.

3. Except as otherwise provided in subsection 4, each assignee shall annually submit to the Secretary of State a written statement, made under penalty of perjury:

(a) That the assignee has posted the bond required by this section; and

(b) Stating the name and business address of the surety or person with whom the bond has been posted.

↪ Any assignee or other person who knowingly makes or causes to be made a false statement to the Secretary of State pursuant to this subsection is guilty of a misdemeanor.

4. The provisions of this section do not apply to any assignee who is related within the third degree of consanguinity to the owner of the real property that is the subject of the assignment.

Sec. 14. NRS 361.7316 is hereby amended to read as follows:

361.7316 1. A county treasurer may ~~sell~~ assign a tax lien against a parcel of real property at any time after the ~~first Monday in June after the~~ taxes on that parcel become delinquent and before judgment in favor of the county is entered pursuant to NRS 361.700 if:

(a) The parcel is on the secured roll; and

(b) The taxes on the parcel are delinquent pursuant to the provisions of NRS 361.483 ~~;~~;

(c) ~~The tax receiver has given notice of the delinquency pursuant to NRS 361.5648; and~~

(d) ~~The price for the tax lien established by the county treasurer is at least equal to the amount of the taxes which are delinquent for the parcel and any penalties, interest and costs which may accrue thereon.~~

~~2. The county treasurer may sell a tax lien separately or in combination with other tax liens in accordance with the procedure adopted by the board of county commissioners pursuant to NRS 361.7314.~~

~~3. Each tax lien must relate to the taxes assessed against the parcel for at least 1 year, and any penalties, interest and costs which may accrue thereon.~~

~~4. The county treasurer may sell a tax lien which relates to the taxes assessed against the parcel for any year of assessment and any penalties, interest and costs accrued thereon if those taxes are delinquent pursuant to the provisions of NRS 361.483.~~

~~5.}~~ 2. If two or more parcels are assessed as a single parcel, one tax lien may be ~~{sold}~~ assigned for that single parcel.

~~{6. A tax lien must be purchased in cash or by certified check, money order or wire transfer of money.~~

~~7.}~~ ~~{3. If a tax lien}~~ ~~{offered for sale is not sold at the sale conducted}~~ ~~is not assigned by the county treasurer, the county may collect the delinquent taxes pursuant to the remedies for the collection of delinquent taxes set forth in NRS 361.5648 to 361.730, inclusive.}~~

Sec. 15. NRS 361.7318 is hereby amended to read as follows:

361.7318 1. The county treasurer shall issue a certificate of ~~{purchase}~~ assignment to each ~~{purchaser}~~ assignee of a tax lien.

2. ~~{The holder of a certificate of purchase is entitled to receive:~~

(a) ~~The amount of the taxes which are delinquent for the year those taxes are assessed against the parcel of real property which is the subject of the tax lien and any penalties, interest and costs imposed pursuant to the provisions of this chapter; and~~

(b) ~~Interest on the amount described in paragraph (a) which accrues at a rate established by the board of county commissioners. The interest must be calculated annually from the date on which the certificate of purchase is issued. The rate of interest established by the board may not be less than 10 percent per annum or more than 20 percent per annum.~~

~~3.}~~ Each certificate of ~~{purchase}~~ assignment must include:

(a) ~~{A}~~ The legal description and parcel number of the ~~{parcel of}~~ real property which is the subject of the tax lien;

(b) The year or years for which the delinquent taxes ~~{which are delinquent}~~ were assessed on the parcel;

(c) The name of the owner of the ~~{parcel}~~ property, if known;

(d) The amount the county treasurer received for the tax lien ~~{;}~~

~~{(d)}~~ ~~{and}~~

~~(e) The amount of the delinquent taxes owed on the parcel and any penalties, interest and costs imposed pursuant to the provisions of this chapter.}~~ ~~{;}~~ pursuant to NRS 361.7312; and

~~(e) A statement that the amount indicated on the certificate~~ ~~{pursuant to paragraph (d)}~~ bears interest at the rate established by the ~~{board of county commissioners, from the date on which the certificate of purchase is issued.~~

~~4. The holder of a certificate of purchase}~~

~~f 3. Except as otherwise provided in this subsection, an assignee may transfer [the] [a certificate of assignment to another person by signing the certificate before a notary public. A certificate of] [purchase] [assignment] may not be transferred to a government, governmental agency or political subdivision of a government [.] f, or to any person who has not posted the bond required by NRS 361.7314. The transferee must submit the certificate to the county treasurer for entry of the transfer in the record of] [sales] [assignments of tax liens maintained by the county treasurer pursuant to NRS 361.7322.]~~

~~{5.} {4.} agreement entered into pursuant to section 4 of this act.~~

3. Notwithstanding the provisions of NRS 104.9109, a security interest in a certificate of [purchase] assignment may be created and perfected in the manner provided for general intangibles set forth in NRS 104.9101 to 104.9709, inclusive.

Sec. 16. NRS 361.732 is hereby amended to read as follows:

361.732 If ~~[the holder of a certificate of purchase]~~ an assignee requests the county treasurer to issue a duplicate certificate ~~[.] of assignment~~, the ~~[holder]~~ assignee must submit to the county treasurer a notarized affidavit which attests that the original certificate was lost or destroyed. The county treasurer shall, upon receipt of the affidavit, issue to the ~~[holder]~~ assignee an exact duplicate of the certificate of ~~[purchase.]~~ assignment.

Sec. 17. NRS 361.7322 is hereby amended to read as follows:

361.7322 The county treasurer shall ~~[prepare and maintain a record of each tax lien]~~ make a notation in his or her records whenever he or she ~~[sells]~~ assigns a tax lien pursuant to the provisions of NRS 361.731 to 361.733, inclusive ~~[.] , and sections 2, 3 and 4 of this act. [The record must include:~~

- ~~1. The date of the] [sale] [assignment of the tax lien;~~
- ~~2. A description of the parcel of real property which is the subject of the tax lien;~~
- ~~3. The year the taxes which are delinquent were assessed on the parcel;~~
- ~~4. The name of the owner of the parcel, if known;~~
- ~~5. The name and address of the original] [purchaser] [assignee of the tax lien;~~
- ~~6. The amount of the delinquent taxes owed on the parcel and any penalties, interest and costs imposed pursuant to the provisions of this chapter on the date the county treasurer] [sells] [assigns the tax lien;~~
- ~~7. The name and address of any person to whom the certificate of] [purchase] [assignment is transferred and the date of the transfer;~~
- ~~8.] [The] [If the tax lien is redeemed, the name of the person who redeems the tax lien, the date of that redemption and the amount paid to redeem the tax lien; and~~
- ~~9. The date of any judgment entered pursuant to NRS 361.700.]~~

Sec. 18. ~~[NRS 361.7324 is hereby amended to read as follows:~~

~~361.7324 1. If a tax lien against a parcel of real property has been [sold] assigned in the year immediately preceding the date that taxes on that parcel again become delinquent pursuant to NRS 361.483, the county treasurer shall:~~

~~(a) Collect the delinquent taxes in the manner set forth in NRS 361.5648 to 361.730, inclusive;~~

~~(b) [Redeem the tax lien pursuant to NRS 361.7326; or~~

~~(c)] Cause written notice of the delinquency to be sent by certified mail to the [holder of the certificate of purchase] assignee who is listed in the record maintained by the county treasurer pursuant to NRS 361.7322 [.]; or~~

~~(e) If the assignee does not obtain an assignment of the tax lien against the parcel for the current year of assessment within the time allowed by subsection 2, redeem the tax lien pursuant to NRS 361.7326.~~

~~2. Within 90 days after receiving a notice from the county treasurer pursuant to paragraph [(c)] (b) of subsection 1, the [holder of the certificate of purchase] assignee may:~~

~~(a) [Purchase] Obtain an assignment from the county treasurer of a tax lien against the parcel for the current year of assessment [pursuant to NRS 361.7318;] if the assignment is authorized pursuant to section 4 of this act; or~~

~~(b) Consent to the redemption of the tax lien pursuant to NRS 361.7326.~~

~~3. If the [holder of the certificate of purchase] assignee consents to the redemption of the tax lien pursuant to NRS 361.7326, the county treasurer shall:~~

~~(a) Redeem the tax lien pursuant to that section; or~~

~~(b) [Sell] Assign the tax lien to another person, who shall redeem any previous tax lien pursuant to NRS 361.7326.] (Deleted by amendment.)~~

Sec. 19. NRS 361.7326 is hereby amended to read as follows:

361.7326 1. ~~[In addition to the persons authorized to redeem a tax lien pursuant to NRS 361.7324, any]~~ *An owner of property may redeem a* tax lien ~~[sold] assigned~~ pursuant to the provisions of NRS 361.731 to 361.733, inclusive, and sections 2, 3 and 4 of this act ~~[may be redeemed by any of the following persons, as their interests in the parcel of real property which is the subject of the tax lien may appear of record:~~

~~(a) The owner of the parcel of real property.~~

~~(b) The beneficiary under a deed of trust.~~

~~(c) The mortgagee under a mortgage.~~

~~(d) The person to whom the property was assessed.~~

~~(e) The person who holds a contract to purchase the property before its conveyance to the county treasurer.~~

~~(f) The successor in interest of any person specified in this subsection.~~

~~2. A person who redeems a tax lien must pay to the county treasurer the amount stated on the certificate of [purchase] assignment of the tax lien, including interest at the rate stated on the certificate and any fees paid by the [holder of the certificate of purchase] assignee to the county treasurer.~~

~~3.7~~ *without a prepayment penalty at any time after the assignment by paying the amounts owed to the assignee under the agreement entered into pursuant to section 4 of this act.*

2. If ~~[the person]~~ *an owner* who redeems the tax lien has been served with a summons pursuant to NRS 361.670, the ~~[person]~~ *owner* must pay the costs incurred by the ~~[holder of the certificate of purchase]~~ *assignee* to commence the action.

~~[4. The county treasurer]~~

3. *Within 20 business days after the redemption of the tax lien, the assignee shall issue a [certificate of redemption to each person who redeems a tax lien pursuant to this section]*

~~5.1~~ *release of the lien to the owner.*

4. A ~~[certificate of redemption]~~ *release* issued pursuant to subsection ~~[4]~~ *3* must include:

(a) ~~[A]~~ *The legal description and parcel number* of the ~~[parcel of real]~~ property which is the subject of the tax lien;

(b) *The year or years for which the taxes related to the lien were assessed on the parcel;*

(c) *The recording information for the documents recorded pursuant to subsection 3 of section 4 of this act; and*

(d) *The date the tax lien is redeemed.*

(e) *The name and address of the person who redeems the tax lien; and*

(d) *The amount paid to redeem the tax lien.*

6. ~~The county treasurer shall record the information set forth in subsection 5 in the record he or she maintains pursuant to NRS 361.7322.~~

7. ~~A certificate of redemption may be recorded in the office of the county recorder.]~~

5. *The assignee shall cause the release to be recorded in the office of the county recorder of the county in which the property is located.*

Sec. 20. ~~[NRS 361.7328 is hereby amended to read as follows:~~

~~361.7328 1. The county treasurer shall, within 10 days after a tax lien is redeemed pursuant to NRS 361.7326, mail a certified copy of the certificate of redemption to the [holder of the certificate of purchase] assignee of the tax lien.~~

~~2. The county treasurer shall pay to the [holder of the certificate of purchase] assignee the amount indicated on the certificate of assignment pursuant to NRS 361.7318 at the time the [holder] assignee presents the certificate for payment.] (Deleted by amendment.)~~

Sec. 21. NRS 361.733 is hereby amended to read as follows:

361.733 ~~[1]~~

1. *Except as otherwise provided in this section, if a tax lien is not redeemed pursuant to NRS 361.7326, for the agreement between the owner of the property and the assignee entered into pursuant to section 4 of this act within the time allowed for the collection of the delinquent taxes set forth in NRS 361.5648 to 361.620, inclusive,* the ~~[holder of the certificate of~~

~~purchase]~~ assignee may commence an action pursuant to NRS 361.625 to 361.730, inclusive, for the collection of the delinquent taxes, penalties, interest, fees and costs ~~[-] for pursue any other remedy authorized by the agreement.]~~ owed pursuant to the certificate of assignment and the agreement entered into pursuant to section 4 of this act. An assignee may not commence such an action before the earliest date on which an action could be commenced by the district attorney of the county pursuant to NRS 361.635.

2. Not later than 60 days before commencing such an action, the assignee shall cause written notice of the intended action and the assignee's claim, stating the amount owed to the assignee, to be mailed by certified mail to:

(a) The owner of the property at the owner's last known address; and
(b) Each of the following persons, as their interest in the property appears of record:

(1) The beneficiary under any deed of trust; and

(2) The mortgagee under any mortgage.

3. At any time after notice is given pursuant to subsection 2 and before the commencement of an action by the assignee, any person related to the owner of the property within the third degree of consanguinity or any beneficiary or mortgagee described in subsection 2 may obtain an assignment of the tax lien from the assignee by paying the assignee the amount then owed to the assignee.

Sec. 22. NRS 40.430 is hereby amended to read as follows:

40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, and except as otherwise provided in NRS 118C.220, there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.430 to 40.459, inclusive. In that action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.

2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.

3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.

4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.

5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.

6. As used in this section, an "action" does not include any act or proceeding:

(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.

(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.

(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.

(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.

(e) For the exercise of a power of sale pursuant to NRS 107.080.

(f) For the exercise of any right or remedy authorized by chapter 104 of NRS or by the Uniform Commercial Code as enacted in any other state.

(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.

(h) To draw under a letter of credit.

(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.

(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.

(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.

(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.

(m) Which does not include the collection of the debt or realization of the collateral securing the debt.

(n) Pursuant to NRS 40.507 or 40.508.

(o) *Pursuant to an agreement entered into pursuant to section 4 of this act between an owner of the property and the assignee of a tax lien against the property, or an action which is authorized by NRS 361.733.*

(p) Which is exempted from the provisions of this section by specific statute.

~~[(p)]~~ (q) To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.

Sec. 22.5. NRS 361.7324 and 361.7328 are hereby repealed.

Sec. 23. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

361.7324 Procedure when taxes on parcel again become delinquent during year after tax lien sold.

1. If a tax lien against a parcel of real property has been sold in the year immediately preceding the date that taxes on that parcel again become delinquent pursuant to NRS 361.483, the county treasurer shall:

(a) Collect the delinquent taxes in the manner set forth in NRS 361.5648 to 361.730, inclusive;

(b) Redeem the tax lien pursuant to NRS 361.7326; or

(c) Cause written notice of the delinquency to be sent by certified mail to the holder of the certificate of purchase who is listed in the record maintained by the county treasurer pursuant to NRS 361.7322.

2. Within 90 days after receiving a notice from the county treasurer pursuant to paragraph (c) of subsection 1, the holder of the certificate of purchase may:

(a) Purchase from the county treasurer a tax lien against the parcel for the current year of assessment pursuant to NRS 361.7318; or

(b) Consent to the redemption of the tax lien pursuant to NRS 361.7326.

3. If the holder of the certificate of purchase consents to the redemption of the tax lien pursuant to NRS 361.7326, the county treasurer shall:

(a) Redeem the tax lien pursuant to that section; or

(b) Sell the tax lien to another person, who shall redeem any previous tax lien pursuant to NRS 361.7326.

361.7328 Redemption of tax lien after sale: Notification and payment of holder of certificate of purchase.

1. The county treasurer shall, within 10 days after a tax lien is redeemed pursuant to NRS 361.7326, mail a certified copy of the certificate of redemption to the holder of the certificate of purchase of the tax lien.

2. The county treasurer shall pay to the holder of the certificate of purchase the amount indicated on the certificate pursuant to NRS 361.7318 at the time the holder presents the certificate for payment.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 560 to Senate Bill No. 301 makes various changes to clarify the duties of the county treasurer and the duties of an assignee to be consistent with the assignment of a tax lien and the removal of provisions related to the sale of a tax lien under current law. The amendment removes a requirement for an assignee to post a bond with the Secretary of State and instead requires the assignee to submit a written statement, under penalty of perjury, that such a bond has been properly posted.

Amendment No. 560 to Senate Bill No. 301 provides that an assignee may not initiate an action to collect delinquent taxes and other amounts owed any sooner than the earliest date on which the county could commence such an action. The amendment provides that a property owner may redeem a tax lien without a prepayment penalty. A relative of the property owner, or the beneficiary or holder of the mortgage, may also obtain the assignment of a tax lien prior to the commencement of an action by the assignee to collect the delinquent taxes and fees.

Finally, Amendment No. 560 to Senate Bill No. 301 deletes the provisions of Section 7324 of Chapter 361 of *Nevada Revised Statutes* and Section 7328 of Chapter 361 of *Nevada Revised Statutes* regarding certain duties of the county treasurer to be consistent with the implementation of tax lien assignments and the removal of provisions related to tax lien sales. This act becomes effective on July 1, 2013.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 319.

Bill read second time.

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

Amendment No. 488.

"SUMMARY—Revises provisions governing certain professions. (BDR 54-713)"

"AN ACT relating to professions; revising certain provisions governing certain continuing education requirements for physicians; authorizing certain qualified professionals who hold a license in another state or territory of the United States to apply for a license by endorsement to practice in this State; ~~expanding the scope of practice of clinical professional counselors and marriage and family therapists;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law generally provides for the regulation of professions in this State. (Title 54 of NRS) ~~Sections 1 and 2~~ of this bill ~~authorize a~~ authorizes a physician to substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics. Section 2 of this bill requires the State Board of Osteopathic Medicine to require, as part of the continuing education requirements approved by the Board, the biennial completion by an osteopathic physician of at least 2 hours of credit in pain management and addiction care. Sections 3 and 11 of this bill authorize certain qualified professionals who are licensed in another state or territory of the United States to practice as a clinical professional counselor, marriage and family therapist, alcohol and drug abuse counselor

or problem gambling counselor to apply for and receive a license or certificate by endorsement to practice their respective profession in this State. If the applicant is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States, the applicant is entitled to a 50 percent reduction in the ~~fee for the initial~~ fees otherwise provided for the application, endorsement and issuance of the license or certificate. ~~[Sections 4, 6 and 18 of this bill authorize a clinical professional counselor or marriage and family therapist to provide certain services to a person who is an alcohol or drug abuser.]~~

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

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

- (a) Renewal of a license as a physician assistant; or
 - (b) Biennial registration of the holder of a license to practice medicine,
- ↪ require each holder to comply with the requirements for continuing education adopted by the Board.

2. These requirements:

- (a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.
- (b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

- (1) An overview of acts of terrorism and weapons of mass destruction;
- (2) Personal protective equipment required for acts of terrorism;
- (3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;
- (4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and
- (5) An overview of the information available on, and the use of, the Health Alert Network.

↪ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

- (a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. *A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.*

6. 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. 2. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~{5}~~ 6 and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting an affidavit to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to

practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. ~~4. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine [may substitute not more than] of at least 2 hours of continuing education credits in pain management or addiction care. [for the purposes of satisfying an equivalent requirement for continuing education in ethics.]~~

6. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 3. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board may issue a license by endorsement to practice as a clinical professional counselor or marriage and family therapist to an applicant who meets the requirements set forth in this section ~~and~~ and who demonstrates competency by satisfying any requirements for course work, supervision and experience as provided in regulations adopted by the Board. An applicant may submit to the Board an application for such a license if the applicant ~~is~~*

~~(a) Holds~~ *holds* a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or in any other state or territory of the United States. ~~and~~

~~(b) If applicable to the profession, is certified in a specialty recognized by the American Board of Medical Specialties.~~

2. ~~4. Except as otherwise provided in subsection 5, an applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:~~

(a) The fee provided by NRS 641A.290 for an application for a license and, in lieu of the fee for the examination otherwise required by that section, a fee for the endorsement in the amount of \$200;

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

(1) Satisfies the requirements of subsection 1;

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

(3) *Has not been disciplined or investigated by the corresponding regulatory authority of the state or territory in which the applicant holds a license to practice his or her respective profession; and*

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

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

~~[(e)]~~ (d) *Any other information required by the Board.*

3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to the applicant not later than ~~45~~ 30 days after receiving ~~the application~~ all materials, documentation and other information required by the Board to evaluate the application.

4. A license by endorsement may be issued at a meeting of the Board ~~for between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.~~

5. ~~Notwithstanding the applicable provisions of NRS 641A.290 establishing the fee for the issuance of a license, if~~ If an applicant for a license by endorsement provides with his or her application proof satisfactory to the Board or the President of the Board, as applicable, that the applicant is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States, the Board shall not charge or collect more than one-half of the ~~specified fee~~ fees specified by NRS 641A.290 and subsection 2 of this section for the ~~initial~~ application, endorsement and issuance of the license by endorsement.

Sec. 4. ~~NRS 641A.065 is hereby amended to read as follows:~~

~~641A.065 "Practice of clinical professional counseling" means the provision of treatment, assessment and counseling, or equivalent activities, to a person or group of persons to achieve mental, emotional, physical and social development and adjustment. The term includes counseling interventions to prevent, diagnose and treat mental, emotional or behavioral disorders and associated distresses which interfere with mental health [.] and the clinical practice of providing counseling to, or diagnosing or classifying a person as, an alcohol or drug abuser. The term does not include:~~

- ~~1. The practice of psychology or medicine;~~
- ~~2. The assessment or treatment of couples or families;~~
- ~~3. The prescription of drugs or electroconvulsive therapy;~~

~~4. The treatment of physical disease, injury or deformity;
 5. The diagnosis or treatment of a psychotic disorder;
 6. The use of projective techniques in the assessment of personality;
 7. The use of psychological, neuropsychological or clinical tests designed to identify or classify abnormal or pathological human behavior;
 8. The use of individually administered intelligence tests, academic achievement tests or neuropsychological tests; or
 9. The use of psychotherapy to treat the concomitants of organic illness except in consultation with a qualified physician or licensed clinical psychologist.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 641A.080 is hereby amended to read as follows:~~

~~641A.080 1. "Practice of marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective or behavioral, within the context of interpersonal relationships, including, without limitation, marital and family systems, and involves the professional application or use of psychotherapy, counseling, evaluation, assessment instruments, consultation, treatment planning, supervision, research and prevention of mental and emotional disorders. The term includes, without limitation, the rendering of professional marital and family therapy services to a person, couple, family or family group or other group of persons [.], and the provision of counseling to an alcohol or drug abuser.~~

~~2. The term does not include:~~

~~(a) The diagnosis or treatment of a psychotic disorder; or
 (b) The use of a psychological or psychometric assessment test to determine intelligence, personality, aptitude, interests or addictions.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 641A.160 is hereby amended to read as follows:~~

~~641A.160 1. The Board shall adopt regulations not inconsistent with the provisions of this chapter governing its procedure, the examination and licensing of applicants, the granting, refusal, revocation or suspension of licenses, and the practice of marriage and family therapy and the practice of clinical professional counseling as those practices apply to this chapter.~~

~~2. The Board may authorize a clinical professional counselor or marriage and family therapist licensed pursuant to this chapter to provide counseling to, or diagnose or classify a person as, an alcohol or drug abuser in accordance with regulations adopted by the Board.] (Deleted by amendment.)~~

Sec. 7. NRS 641A.220 is hereby amended to read as follows:

641A.220 ~~[Each]~~ *Except as otherwise provided in section 3 of this act,* each applicant for a license to practice as a marriage and family therapist must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;
2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has completed residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;

5. Has:

(a) At least 2 years of postgraduate experience in marriage and family therapy; and

(b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and

6. Holds an undergraduate degree from an accredited institution approved by the Board.

Sec. 8. NRS 641A.230 is hereby amended to read as follows:

641A.230 1. Except as otherwise provided in subsection 2 ~~and~~ *section 3 of this act*, each qualified applicant for a license to practice as a marriage and family therapist must pass a written examination given by the Board on his or her knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine.

2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards in lieu of requiring a written examination pursuant to subsection 1.

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine applicants in whatever applied or theoretical fields it deems appropriate.

Sec. 9. NRS 641A.231 is hereby amended to read as follows:

641A.231 ~~Each~~ *Except as otherwise provided in section 3 of this act*, *each* applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;

2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has:

(a) Completed residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or

(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which

was taken concurrently with the degree program and was supervised by a licensed mental health professional; and

5. Has:

(a) At least 2 years of postgraduate experience in professional counseling;
 (b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:

(1) At least 1,500 hours of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

Sec. 10. NRS 641A.290 is hereby amended to read as follows:

641A.290 ~~[The]~~ *Except as otherwise provided in section 3 of this act, the Board shall charge and collect not more than the following fees, respectively:*

For application for a license.....	\$75
For examination of an applicant for a license	200
For issuance of a license	50
For annual renewal of a license.....	150
For reinstatement of a license revoked for nonpayment of the fee for renewal	100
For an inactive license.....	150

Sec. 11. Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board may issue a license or certificate by endorsement to practice as a certified counselor or licensed counselor to an applicant who meets the requirements set forth in this section ~~for~~ and who demonstrates competency by satisfying any requirements for course work, supervision and experience as provided in regulations adopted by the Board. An applicant may submit to the Board an application for such a license or certificate if the applicant ~~for~~*

~~(a) Holds~~ *holds a corresponding valid and unrestricted license or certificate to practice his or her respective profession in the District of Columbia or in any other state or territory of the United States ~~for~~ and*

~~(b) If applicable to the profession, is certified in a specialty recognized by the American Board of Medical Specialties.~~

2. ~~[And]~~ *Except as otherwise provided in subsection 5, an applicant for a license or certificate by endorsement pursuant to this section must submit to the Board with his or her application:*

(a) *The fee provided by NRS 641C.470 for an initial application for a license or certificate and, in lieu of the fee for the examination otherwise required by that section, a fee for the endorsement in the amount of \$200;*

(b) *Proof satisfactory to the Board that the applicant:*

(1) *Satisfies the requirements of subsection 1;*

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

(3) *Has not been disciplined or investigated by the corresponding regulatory authority of the state or territory in which the applicant holds a license or certificate to practice his or her respective profession; and*

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

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

~~[(c)]~~ (d) *Any other information required by the Board.*

3. *Not later than 15 business days after receiving an application for a license or certificate by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license or certificate by endorsement to the applicant not later than ~~45~~ 30 days after receiving ~~the application~~ all materials, documentation and other information required by the Board to evaluate the application.*

4. *A license or certificate by endorsement may be issued at a meeting of the Board. ~~for between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.~~*

5. ~~Notwithstanding the applicable provisions of NRS 641C.470 establishing the fee for the issuance of a license or certificate, if~~ *If an applicant for a license or certificate by endorsement provides with his or her application proof satisfactory to the Board or the President of the Board, as applicable, that the applicant is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States, the Board shall not charge or collect more than one-half of the ~~specified fee~~ fees specified by NRS 641C.470 and subsection 2 of this section for the ~~initial~~ application, endorsement and issuance of the license or certificate by endorsement.*

Sec. 12. NRS 641C.300 is hereby amended to read as follows:

641C.300 The Board shall issue a license or certificate without examination to a person who holds a license or certificate as a clinical alcohol and drug abuse counselor or an alcohol and drug abuse counselor in another state, a territory or possession of the United States or the District of Columbia *if the license or certificate is issued by endorsement pursuant to section 11 of this act, or if the requirements of that jurisdiction at the time the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter.*

Sec. 13. NRS 641C.330 is hereby amended to read as follows:

641C.330 ~~The~~ *Except as otherwise provided in section 11 of this act, the Board shall issue a license as a clinical alcohol and drug abuse counselor to:*

1. A person who:
 - (a) Is not less than 21 years of age;
 - (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
 - (c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders;
 - (d) Has completed a program approved by the Board consisting of at least 2,000 hours of supervised, postgraduate counseling of alcohol and drug abusers;
 - (e) Has completed a program that:
 - (1) Is approved by the Board; and
 - (2) Consists of at least 2,000 hours of postgraduate counseling of persons with mental illness who are also alcohol and drug abusers that is supervised by a licensed clinical alcohol and drug abuse counselor who is approved by the Board;
 - (f) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;
 - (g) Pays the fees required pursuant to NRS 641C.470; and
 - (h) Submits all information required to complete an application for a license.

2. A person who:
 - (a) Is not less than 21 years of age;
 - (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
 - (c) Is:
 - (1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;
 - (2) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; or
 - (3) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;
 - (d) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;
 - (e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;
 - (f) Pays the fees required pursuant to NRS 641C.470; and
 - (g) Submits all the information required to complete an application for a license.

Sec. 14. NRS 641C.350 is hereby amended to read as follows:

641C.350 ~~[The]~~ *Except as otherwise provided in section 11 of this act, the Board shall issue a license as an alcohol and drug abuse counselor to:*

1. A person who:

- (a) Is not less than 21 years of age;
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
- (c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;
- (d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;
- (e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;
- (f) Pays the fees required pursuant to NRS 641C.470; and
- (g) Submits all information required to complete an application for a license.

2. A person who:

- (a) Is not less than 21 years of age;
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
- (c) Is:
 - (1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;
 - (2) Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;
 - (3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS;
- (4) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; or

(5) Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;

(d) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a license.

Sec. 15. NRS 641C.390 is hereby amended to read as follows:

641C.390 1. ~~[The]~~ *Except as otherwise provided in section 11 of this act, the Board shall issue a certificate as an alcohol and drug abuse counselor to a person who:*

- (a) Is not less than 21 years of age;
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
- (c) Except as otherwise provided in subsection 2, has received a bachelor's degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

(f) Pays the fees required pursuant to NRS 641C.470; and

(g) Submits all information required to complete an application for a certificate.

2. The Board may waive the educational requirement set forth in paragraph (c) of subsection 1 if an applicant for a certificate has contracted with or receives a grant from the Federal Government to provide services as an alcohol and drug abuse counselor to persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 450 et seq. or 25 U.S.C. §§ 1601 et seq. An alcohol and drug abuse counselor certified pursuant to this section for whom the educational requirement set forth in paragraph (c) of subsection 1 is waived may provide services as an alcohol and drug abuse counselor only to those persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 450 et seq. or 25 U.S.C. §§ 1601 et seq.

3. A certificate as an alcohol and drug abuse counselor is valid for 2 years and may be renewed.

4. A certified alcohol and drug abuse counselor may:

(a) Engage in the practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or abuser of drugs.

Sec. 16. NRS 641C.430 is hereby amended to read as follows:

641C.430 ~~[The]~~ *Except as otherwise provided in section 11 of this act, the Board may issue a certificate as a problem gambling counselor to:*

1. A person who:

(a) Is not less than 21 years of age;

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(c) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

(e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;

(g) Presents himself or herself when scheduled for an interview at a meeting of the Board;

(h) Pays the fees required pursuant to NRS 641C.470; and

(i) Submits all information required to complete an application for a certificate.

2. A person who:

- (a) Is not less than 21 years of age;
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;
- (c) Is licensed as:
 - (1) A clinical social worker pursuant to chapter 641B of NRS;
 - (2) A clinical professional counselor pursuant to chapter 641A of NRS;
 - (3) A marriage and family therapist pursuant to chapter 641A of NRS;
 - (4) A physician pursuant to chapter 630 of NRS;
 - (5) A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;
 - (6) A psychologist pursuant to chapter 641 of NRS;
 - (7) An alcohol and drug abuse counselor pursuant to this chapter; or
 - (8) A clinical alcohol and drug abuse counselor pursuant to this chapter;
- (d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;
- (e) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;
- (f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;
- (g) Pays the fees required pursuant to NRS 641C.470; and
- (h) Submits all information required to complete an application for a certificate.

Sec. 17. NRS 641C.470 is hereby amended to read as follows:

641C.470 1. ~~[The]~~ *Except as otherwise provided in section 11 of this act, the Board shall charge and collect not more than the following fees:*

For the initial application for a license or certificate.....	\$150
For the issuance of a provisional license or certificate.....	125
For the issuance of an initial license or certificate	60
For the renewal of a license or certificate as an alcohol and drug abuse counselor, a license as a clinical alcohol and drug abuse counselor or a certificate as a problem gambling counselor.....	300
For the renewal of a certificate as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern or a problem gambling counselor intern	75
For the renewal of a delinquent license or certificate.....	75
For the restoration of an expired license or certificate.....	150
For the restoration or reinstatement of a suspended or revoked license or certificate	300
For the issuance of a license or certificate without examination.....	150
For an examination.....	150
For the approval of a course of continuing education	150

2. The fees charged and collected pursuant to this section are not refundable.

Sec. 18. ~~[NRS 641C.900 is hereby amended to read as follows:~~

~~641C.900 1. Except as otherwise provided in subsection 2 [.] or as otherwise authorized by regulations adopted by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors pursuant to NRS 641A.160, a person shall not engage in the practice of counseling alcohol and drug abusers, the clinical practice of counseling alcohol and drug abusers or the practice of counseling problem gamblers unless the person is a licensed counselor, certified counselor or certified intern.~~

~~2. A person may engage in the practice of counseling alcohol and drug abusers under the supervision of a licensed counselor, the clinical practice of counseling alcohol and drug abusers under the supervision of a clinical alcohol and drug abuse counselor or the practice of counseling problem gamblers under the supervision of a certified counselor for not more than 30 days if that person:~~

~~(a) Is qualified to be licensed or certified pursuant to the provisions of this chapter; and~~

~~(b) Submits an application to the Board for a license or certificate pursuant to the provisions of this chapter.] (Deleted by amendment.)~~

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Thank you, Mr. President. Amendment No. 488 to Senate Bill No. 319 entitles a military spouse to a reduction in the fee for the initial issuance of a license by endorsement. It requires an osteopathic physician to complete at least two hours of continuing education credits in pain management or addiction care biennially. The amendment clarifies the scope of the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors concerning the issuance of a license by endorsement to an applicant. It also clarifies the scope of the Board of Examiners for Alcohol, Drug and Gambling Counselors concerning the issuance of a license by endorsement to an applicant.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 324.

Bill read second time.

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

Amendment No. 323.

"SUMMARY—Revises provisions governing professions. (BDR 54-701)"

"AN ACT relating to professions; authorizing certain qualified professionals who hold a license in another state or territory of the United States to apply for a license by endorsement to practice in this State; authorizing certain regulatory bodies to enter into a reciprocal agreement with the corresponding regulatory authority in another state or territory of the United States for the purposes of authorizing a licensee to practice

concurrently in this State and another jurisdiction and regulating such licensees; authorizing a ~~hospital~~ medical facility to employ or contract with a physician to provide health care to a patient of the ~~hospital~~ medical facility; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law generally provides for the regulation of professions in this State. (Title 54 of NRS) Section 2 of this bill authorizes certain qualified professionals who are licensed in another state or territory of the United States and who are active members or veterans of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States to apply for and receive a license by endorsement to practice their respective profession in this State. A person who receives a license by endorsement pursuant to section 2 is entitled to a 50 percent reduction in the fee for the initial issuance of a license or for an examination as a prerequisite to licensure. Section 3 of this bill authorizes certain regulatory bodies of this State to enter into a reciprocal agreement with the corresponding regulatory authority of another state or territory of the United States for the purposes of authorizing and regulating the practice of certain professions concurrently in this State and another jurisdiction. Sections 4, 10 and 14 of this bill authorize certain qualified physicians and certain qualified podiatrists to obtain a license by endorsement to practice in this State if the physician or podiatrist holds a valid and unrestricted license to practice in another state or territory of the United States, is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association, as applicable, and meets certain other requirements.

Section 17 of this bill authorizes a ~~hospital~~ medical facility to employ or contract with a physician to provide health care to a patient of the ~~hospital~~ medical facility. Section 17 requires a medical facility, other than a hospital, that employs or contracts with a physician to provide health care to a patient to: (1) have credentialing and privileging standards and a process for peer review for the medical facility; and (2) have a physician or committee of physicians oversee those standards and the process for peer review.

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *Notwithstanding the applicable provisions for obtaining a license pursuant to chapters 630 to 641C, inclusive, or 644 of NRS, a regulatory body may issue such a license by endorsement to an applicant if:*

(a) *The applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or any state or territory of the United States;*

(b) ~~fff~~ As applicable to the profession, the applicant is certified in a specialty recognized by the American Board of Medical Specialties ~~fff~~ or the American Osteopathic Association;

(c) The applicant is an active member or veteran of, ~~the spouse of an active member or veteran of,~~ or the surviving spouse of a veteran of, the Armed Forces of the United States; and

(d) The regulatory body determines that the provisions of law in the state or territory in which the applicant holds a license as described in paragraph (a) are substantially equivalent to the applicable provisions of law in this State.

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

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Satisfies the requirements of paragraphs (a), (b) and (c) of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the state or territory in which the applicant holds a license to practice his or her respective profession; and

(4) If applicable to the profession, has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

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

(c) Any other information required by the regulatory body in this State under whose jurisdiction the license may be issued.

3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, a regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue the license by endorsement to the applicant not later than ~~45~~ :

(a) Thirty days after receiving all the additional information required by the regulatory body to complete the application ~~ff~~ ; or

(b) If the regulatory body requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, 10 days after receiving the report from the appropriate authority,

↪ whichever occurs last.

4. A license by endorsement may be issued at a meeting of the regulatory body or between its meetings by the chief executive officer of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

5. Notwithstanding any applicable provision of chapters 630 to 641C, inclusive, or 644 of NRS establishing a fee for any examination required as a

prerequisite to licensure or for the issuance of a license, a regulatory body shall not collect from any person to whom a license by endorsement is issued pursuant to this section more than one-half of the specified fee for the examination or initial issuance of the license.

6. At any time before making a final decision on an application for a license by endorsement, a regulatory body may grant a provisional license authorizing an applicant to practice his or her respective profession in accordance with regulations adopted by the regulatory body.

7. As used in this section, "veteran" means a person who qualifies for an exemption pursuant to NRS 361.090.

Sec. 3. 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body shall prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to such reciprocal agreements and shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

Sec. 4. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or ~~investigated~~ been the subject of multiple investigations by the corresponding regulatory authority of the state or territory in which the applicant holds a license to practice medicine; and

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

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

(c) Any other information required by the Board.

3. *Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.*

4. *A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.*

Sec. 5. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, *and sections 2 and 4 of this act*, a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

- (1) All parts of the examination given by the National Board of Medical Examiners;
- (2) All parts of the Federation Licensing Examination;
- (3) All parts of the United States Medical Licensing Examination;
- (4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;
- (5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association, has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the

information, the Board may require subsequent verification of the information by the primary source of the information.

4. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

- (a) Temporarily suspend the license;
- (b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;
- (c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;
- (d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or
- (e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:
 - (1) Placing the licensee on probation for a specified period with specified conditions;
 - (2) Administering a public reprimand;
 - (3) Limiting the practice of the licensee;
 - (4) Suspending the license for a specified period or until further order of the Board;
 - (5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;
 - (6) Requiring supervision of the practice of the licensee;
 - (7) Imposing an administrative fine not to exceed \$5,000;
 - (8) Requiring the licensee to perform community service without compensation;
 - (9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;
 - (10) Requiring the licensee to complete any training or educational requirements specified by the Board; and
 - (11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 6. NRS 630.165 is hereby amended to read as follows:

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 *or section 2 or 4 of this act* must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

Sec. 7. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➤ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the physician;

(b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~[;]~~ *or section 2 or 4 of this act*;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 8. NRS 630.265 is hereby amended to read as follows:

630.265 1. ~~{Except as otherwise provided in}~~ *Unless the Board denies such licensure pursuant to NRS 630.161 ~~{or}~~ or for other good cause, the Board ~~{may}~~ shall* issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or

a written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 9. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement <i>issued pursuant to NRS 630.1605 or section 4 of this act</i>	\$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license.....	400
For renewal of a limited, restricted, authorized facility or special license.....	400
For application for and issuance of a license as a physician assistant.....	400
For biennial registration of a physician assistant	800
For biennial registration of a physician.....	800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care.....	400
For biennial renewal of a license as a perfusionist.....	600
For biennial registration of a practitioner of respiratory care.....	600
For biennial registration for a physician who is on inactive status	400
For written verification of licensure.....	50
For a duplicate identification card.....	25
For a duplicate license.....	50
For computer printouts or labels	500
For verification of a listing of physicians, per hour	20
For furnishing a list of new physicians	100

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 10. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in NRS 633.315, the Board may issue a license by endorsement to practice osteopathic medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:*

(a) Holds a corresponding valid and unrestricted license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties ~~or~~ or the American Osteopathic Association.

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

(a) Proof satisfactory that the applicant:

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the state or territory in which the applicant holds a license to practice osteopathic medicine; and

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

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

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

~~the~~ (d) Any other information required by the Board.

3. *Not later than 15 business days after receiving an application for a license by endorsement to practice osteopathic medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than ~~45~~ :*

(a) Forty-five days after receiving the application. ~~or~~ ; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs last.

4. A license by endorsement to practice osteopathic medicine may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 11. NRS 633.311 is hereby amended to read as follows:

633.311 Except as otherwise provided in NRS 633.315, *NRS 633.381 to 633.419, inclusive, and sections 2 and 10 of this act*, an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

1. The applicant is 21 years of age or older;
2. The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;
3. The applicant is a graduate of a school of osteopathic medicine;
4. The applicant:
 - (a) Has graduated from a school of osteopathic medicine before 1995 and has completed:
 - (1) A hospital internship; or
 - (2) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;
 - (b) Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or
 - (c) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;
5. The applicant applies for the license as provided by law;
6. The applicant passes:
 - (a) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;
 - (b) All parts of the licensing examination of the Federation of State Medical Boards of the United States, Inc.;
 - (c) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or
 - (d) A combination of the parts of the licensing examinations specified in paragraphs (a), (b) and (c) that is approved by the Board;
7. The applicant pays the fees provided for in this chapter; and
8. The applicant submits all information required to complete an application for a license.

Sec. 12. NRS 633.401 is hereby amended to read as follows:

633.401 1. ~~[Except as otherwise provided in]~~ *Unless the Board denies such licensure pursuant to NRS 633.315 [5] or for other good cause, the Board [may] shall* issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of paragraph (c) of subsection 4 of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 13. NRS 633.416 is hereby amended to read as follows:

633.416 1. An osteopathic physician who is retired from active practice and who:

(a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or

(b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,

➤ may obtain a special volunteer license to practice osteopathic medicine by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer license to practice osteopathic medicine must be on a form provided by the Board and must include:

(a) Documentation of the history of medical practice of the osteopathic physician;

(b) Proof that the osteopathic physician previously has been issued an unrestricted license to practice osteopathic medicine in any state of the United States and that the osteopathic physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the osteopathic physician satisfies the requirements for licensure set forth in NRS 633.311 or the requirements for licensure by endorsement set forth in NRS 633.400 ~~[-]~~ *or section 2 or 10 of this act*;

(d) Acknowledgment that the practice of the osteopathic physician under the special volunteer license to practice osteopathic medicine will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the osteopathic physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer license to practice osteopathic medicine, except for payment by a medical facility at which the osteopathic physician provides volunteer medical services of the expenses of the osteopathic physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of an osteopathic physician satisfies the requirements of subsection 2 and that the retired osteopathic physician is competent to practice osteopathic medicine, the Board shall issue a special volunteer license to practice osteopathic medicine to the osteopathic physician.

4. The initial special volunteer license to practice osteopathic medicine issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer license to practice osteopathic medicine; or

(b) The issuance or renewal of a special volunteer license to practice osteopathic medicine pursuant to this section.

6. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section and who accepts the privilege of practicing osteopathic medicine in this State pursuant to the provisions of the special volunteer license to practice osteopathic medicine is subject to all the provisions governing disciplinary action set forth in this chapter.

7. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 14. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An*

applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

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

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

(1) Satisfies the requirements of subsection 1;

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

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the state or territory in which the applicant holds a license to practice podiatry; and

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

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

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 15. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. ~~[A]~~ Except as otherwise provided in section 2 or 14 of this act, a license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

(d) Has completed a residency approved by the Board.

(e) Has passed the examination given by the National Board of Podiatric Medical Examiners.

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

- (a) The fee for an application for a license of not more than \$600;
- (b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and
- (c) All other information required by the Board to complete an application for a license.

➤ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

- (a) A limited license to practice podiatry pursuant to NRS 635.075; or
- (b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 16. NRS 635.065 is hereby amended to read as follows:

635.065 1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia must submit:

(a) An affidavit signed by the applicant that:

(1) Identifies each jurisdiction in which the applicant has been licensed to practice; and

(2) States whether a disciplinary proceeding has ever been instituted against the applicant by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

(b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against the applicant.

2. ~~The~~ *Except as otherwise provided in section 2 or 14 of this act, the Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:*

(a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) Submit satisfactory proof that:

(1) The applicant maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding the application;

(2) No disciplinary proceeding has ever been instituted against the applicant by a licensing board in any jurisdiction in which he or she is licensed to practice podiatry; and

(3) The applicant has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

Sec. 17. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~A hospital medical facility may employ or contract with a physician to provide health care to a patient of the hospital medical facility.~~

2. If a medical facility, other than a hospital, employs or contracts with a physician pursuant to subsection 1, the medical facility must:

(a) Have credentialing and privileging standards and a process for peer review for the medical facility; and

(b) Have a physician or committee of physicians who oversee the standards and process required pursuant to paragraph (a).

3. ~~If a hospital medical facility employs or contracts with a physician pursuant to subsection 1, the hospital medical facility shall not, by virtue of its employment of or contract with the physician, interfere with, limit or otherwise impede the ability of the physician to care for a patient in a manner consistent with the professional medical judgment of the physician.~~

~~4. As used in this section physician:~~

(a) "Credentialing" means obtaining, verifying and assessing the qualifications of a physician to provide treatment, care or services in or for a medical facility.

(b) "Physician" means a person licensed to practice medicine pursuant to chapter 630 or 633 of NRS.

(c) "Privileging" means the authorizing by an appropriate authority of a physician to provide specific treatment, care or services at a medical facility subject to limits based on factors that include, without limitation, the physician's license, education, training, experience, competence, health status and specialized skill.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Thank you, Mr. President. Amendment No. 323 to Senate Bill No. 324 adds that a spouse of an active member of the Armed Forces of the United States, who is a qualified licensed health care provider in another state, may apply for and receive a license by endorsement to practice their respective profession in Nevada. It clarifies the requirements for authorizing a regulatory body to issue a license by endorsement to an applicant. The amendment clarifies physician oversight for contracted and employed physicians in a medical facility. It requires that a regulatory body, which approves an application and issues a license by endorsement, must issue

it not later than 30 days following the receipt by the regulatory body of all necessary background materials and supporting documentation necessary to evaluate the application.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 404.

"SUMMARY—Revises provisions relating to gaming. (BDR 41-1051)"

"AN ACT relating to gaming; ~~defining certain terms relating to gaming; revising provisions~~ requiring the Nevada Gaming Commission to adopt regulations governing the acceptance of certain wagers by a licensed race book or sports pool; requiring the Commission to study and report on certain issues related to the taxation of gaming; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Nevada Gaming Commission and the State Gaming Control Board are required to perform various acts relating to the regulation and control of gaming. (NRS 463.140) ~~[Sections 2 and 3 of this bill define the terms "account wagering system" and "patron" for the purposes of the statutory provisions governing the licensing and control of gaming. Section 4 of this bill provides that on or after January 1, 2015, a licensed sports pool with an account wagering system may accept a wager of more than \$1,000 only if the wager is made through the account wagering system.]~~ Section 1 of this bill requires the Commission to adopt regulations governing the acceptance of race book or sports pool wagers made by certain entities. Section 6 of this bill requires the Commission to study and report to the Legislature as to the appropriateness and potential revenue considerations of imposing fees and taxes on the overall amount wagered on race book and sports pool wagers.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 463 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2, 3 and 4 of this act.]~~ a new section to read as follows:

1. The Commission shall, with the advice and assistance of the Board, adopt regulations authorizing the acceptance of race book and sports pool wagers made by an entity.

2. The regulations adopted by the Commission pursuant to this section may include, without limitation, provisions that:

(a) Require all members, partners, shareholders, investors and customers of any such entity to:

(1) Be registered with the Board in the manner prescribed by the Board; and

(2) Supply such information as the Commission requires.

(b) Provide that any member, partner, shareholder, investor or customer of an entity may be required to be licensed or found suitable by the Commission. Any person required to be licensed or found suitable must apply for a license or finding within 30 days after being requested to do so by the Commission. If any person required to be licensed or found suitable pursuant to this paragraph does not apply for such license or finding within 30 days after being requested to do so by the Commission, or if his or her license or the finding of his or her suitability is revoked after appropriate findings by the Commission, the entity with whom the person is associated shall terminate that association after receipt of written notice from the Commission. If the Commission suspends the finding of suitability of any member, partner, shareholder, investor or customer, the entity shall, immediately and for the duration of the suspension, suspend that person from any significant involvement with the gaming activities of the entity.

(c) Require any such entity to file with the Board, not less frequently than quarterly, any financial information concerning its activities or other information as required by the Commission.

3. The regulations adopted by the Commission pursuant to this section may impose reasonable fees, based on the actual cost of administration and enforcement, associated with the acceptance of race book and sports pool wagers made by an entity.

4. As used in this section, "entity" means an entity which is validly formed and existing under the laws of this State for the limited purpose of placing race book and sports pool wagers, provided that all members, partners, shareholders, investors and customers of the entity are reported to the Board.

~~Sec. 2. [1. "Account wagering system" means a system of wagering using telephone, computer or another method of wagering communication as approved by the Chair of the Board or his or her designee whose components:~~

~~(a) Are located in this State; and~~

~~(b) Include, without limitation, the systems operator, permanent information databases, system monitoring equipment, writers and patron service representatives.~~

~~2. As used in this section:~~

~~(a) "Communications technology" means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wireless network, wireless fidelity, wire, cable, radio, microwave, light, optics or computer data networks.~~

~~(b) "Wagering communication" means the transmission of a wager between a point of origin and a point of reception by aid of a communications technology.] (Deleted by amendment.)~~

~~Sec. 3. ["Patron" means:~~

~~1. A natural person; or~~

~~2. An entity which is validly formed and existing under the laws of this State for the limited purpose of placing wagers through an account wagering system, provided that all members, partners, shareholders, investors and customers of the entity are reported to the Board.] (Deleted by amendment.)~~

~~Sec. 4. [On or after January 1, 2015, a licensed sports pool with an account wagering system approved by the Commission may accept a wager of more than \$1,000 only if the wager is made through the account wagering system.] (Deleted by amendment.)~~

~~Sec. 5. [NRS 463.013 is hereby amended to read as follows:~~

~~463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0133 to 463.01967, inclusive, and sections 2 and 3 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 6. 1. The Nevada Gaming Commission shall, with the advice and assistance of the State Gaming Control Board, conduct a study to examine the appropriateness and potential revenue considerations of imposing fees and taxes on the overall amount wagered, rather than on the amount won by a gaming licensee, for all race book and sports pool wagers.

2. On or before January 31, 2015, the Commission shall submit to the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Legislature a report concerning any findings pursuant to subsection 1.

Sec. 7. The Nevada Gaming Commission shall, on or before January 31, 2014, adopt regulations required pursuant to section 1 of this act.

Sec. 8. This act becomes effective upon passage and approval.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 404 to Senate Bill No. 346 deletes Sections 1 through 5 of the bill, inclusive. It amends Section 1 of the bill to provide a requirement for the Nevada Gaming Commission to adopt regulations governing the acceptance of race book or sports pool wagers made by certain entities. The amendment provides a new section of the bill that requires the Commission to study and report to the Legislature as to the appropriateness and potential revenue consideration of imposing fees and taxes on the overall amount wagered on race book and sports pool wagers. It provides that the Commission shall adopt the new regulations on or before January 31, 2014.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 374.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 333.

"SUMMARY—Provides for the registration of ~~[nonprofit dispensaries]~~ medical marijuana establishments authorized to cultivate or dispense

marijuana ~~and~~ or manufacture products containing marijuana for sale to persons authorized to engage in the medical use of marijuana. (BDR 15-89)"

"AN ACT relating to medical marijuana; providing for the registration of ~~nonprofit dispensaries~~ medical marijuana establishments authorized to cultivate or dispense marijuana ~~and~~ or manufacture products containing marijuana for sale to persons authorized to engage in the medical use of marijuana; setting forth the manner in which such ~~dispensaries~~ establishments must register and operate; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the State of Nevada provides immunity from state and local prosecution for possessing, delivering and producing marijuana in certain limited amounts for patients with qualifying medical conditions, and their designated primary caregivers, who apply to and receive from the Health Division of the Department of Health and Human Services a registry identification card. Existing law does not specify the manner in which qualifying patients and their designated primary caregivers are to obtain marijuana. (Chapter 453A of NRS)

This bill: (1) states that it is an unlawful act, punishable as a ~~misdemeanor~~ category E felony, to forge, counterfeit or attempt to forge or counterfeit a registry identification card; (2) provides for the registration of ~~nonprofit~~ medical marijuana establishments, the three types of which are cultivation facilities, facilities for the production of edible marijuana products and medical marijuana dispensaries; (3) provides for the registration of ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment agents; (4) sets forth the crimes and acts which disqualify a person from serving as the ~~principal~~ owner, officer, board member or agent of such ~~a dispensary~~ an establishment; (5) enumerates the acts for which a ~~dispensary~~ medical marijuana establishment registration certificate and ~~dispensary~~ a medical marijuana establishment agent registration card are immediately revocable; (6) establishes that it is a privilege and not a right to hold a ~~dispensary~~ medical marijuana establishment registration certificate or ~~dispensary~~ a medical marijuana establishment agent registration card; (7) sets forth the maximum fees which may be charged by the Health Division for the initial issuance and renewal of such certificates and cards; (8) sets forth the basic requirements for operating a ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment; and (9) directs the Health Division to adopt necessary regulations. This bill also increases the amounts of usable marijuana and live marijuana plants that a holder of a registry identification card and his or her designated primary caregiver are allowed to possess at any one time, matching the amounts allowed under the laws of the State of Arizona.

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

Section 1. Chapter 207 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for any person to counterfeit or forge or attempt to counterfeit or forge a registry identification card.

2. Any person who violates the provisions of subsection 1 is guilty of a ~~[misdemeanor]~~ category E felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "registry identification card" has the meaning ascribed to it in NRS 453A.140.

Sec. 2. Chapter 453A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 20, inclusive, of this act.

Sec. 3. "Crime of violence" means any felony:

1. Involving the use or threatened use of force or violence against the person or property of another; or

2. For which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

Sec. 3.5. "Cultivation facility" means a business that:

1. Is registered with the Division pursuant to section 10 of this act; and

2. Acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to:

(a) Medical marijuana dispensaries;

(b) Facilities for the production of edible marijuana products; or

(c) Other cultivation facilities.

Sec. 4. ~~["Dispensary agent registration card" means a registration card that is issued by the Division pursuant to section 13 of this act to authorize a person to volunteer or work at a nonprofit medical marijuana dispensary.]~~
(Deleted by amendment.)

Sec. 5. ~~["Dispensary registration certificate" means a registration certificate that is issued by the Division pursuant to section 10 of this act to authorize the operation of a nonprofit medical marijuana dispensary.]~~
(Deleted by amendment.)

Sec. 5.3. "Edible marijuana products" means products that:

1. Contain marijuana or an extract thereof;

2. Are intended for human consumption; and

3. Are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

Sec. 5.5. "Electronic verification system" means an electronic database that:

1. Keeps track of data in real time; and

2. Is accessible by the Division and by registered medical marijuana establishments.

Sec. 6. "Enclosed, locked facility" means a closet, display case, room, greenhouse or other enclosed area that meets the requirements of section 19.4 of this act and is equipped with locks or other security devices which allow access only by a medical marijuana establishment agent and the holder of a valid registry identification card.

Sec. 7. 1. "Excluded felony offense" means:

(a) A crime of violence; or

(b) A violation of a state or federal law pertaining to controlled substances, if the law was punishable as a felony in the jurisdiction where the person was convicted.

2. The term does not include:

(a) A criminal offense for which the sentence, including any term of probation, incarceration or supervised release, was completed within the 10 previous years; or

(b) An offense involving conduct that would be immune from arrest, prosecution or penalty pursuant to sections 10 to 20, inclusive, of this act, except that the conduct occurred before January 1, 2014, or was prosecuted by an authority other than the State of Nevada.

Sec. 7.3. "Facility for the production of edible marijuana products" means a business that:

1. Is registered with the Division pursuant to section 10 of this act; and

2. Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products to medical marijuana dispensaries.

Sec. 7.7. "Inventory control system" means a process, device or other contrivance that may be used to monitor the chain of custody of marijuana used for medical purposes from the point of cultivation to the end consumer.

Sec. 8. ~~["Nonprofit medical"]~~ "Medical marijuana dispensary" means
~~an entity~~ a business that:

1. Is registered with the Division pursuant to section 10 of this act; and

2. Acquires, possesses, ~~cultivates, manufactures,~~ delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card.

Sec. 8.3. "Medical marijuana establishment" means:

1. A cultivation facility;

2. A facility for the production of edible marijuana products;

3. A medical marijuana dispensary; or

4. A business that has registered with the Division and paid the requisite fees to act as more than one of the types of businesses listed in subsections 1, 2 and 3.

Sec. 8.5. "Medical marijuana establishment agent" means an owner, officer, board member, employee or volunteer of a medical marijuana establishment.

Sec. 8.6. "Medical marijuana establishment agent registration card" means a registration card that is issued by the Division pursuant to section 13 of this act to authorize a person to volunteer or work at a medical marijuana establishment.

Sec. 8.7. "Medical marijuana establishment registration certificate" means a registration certificate that is issued by the Division pursuant to

section 10 of this act to authorize the operation of a medical marijuana establishment.

Sec. 8.8. "THC" means delta-9-tetrahydrocannabinol, which is the primary active ingredient in marijuana.

Sec. 9. ~~["Nonprofit medical marijuana dispensary agent" means a principal officer, board member, employee or volunteer of a nonprofit medical marijuana dispensary.]~~ (Deleted by amendment.)

Sec. 10. 1. Each ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment must register with the Division.

2. A person who wishes to operate a ~~nonprofit~~ medical marijuana ~~dispensary must~~ establishment:

(a) Must submit to the Division an application on a form prescribed by the Division ~~for~~; and

(b) Must have been a resident of the State of Nevada for at least 3 years immediately preceding the date on which he or she submits the application.

3. Except as otherwise provided in sections 11 and 16 of this act, not later than 90 days after receiving an application to operate a ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment, the Division shall register the ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment and issue a ~~dispensary~~ medical marijuana establishment registration certificate and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment has submitted to the Division all of the following:

(1) The application fee, as set forth in section 12 of this act;

(2) An application, which must include:

(I) The legal name of the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment;

(II) The physical address where the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment will be located and the physical address of ~~one~~ any co-owned additional ~~location, if any, where marijuana will be cultivated, neither~~ or otherwise associated medical marijuana establishments, the locations of which ~~locations~~ may not be within ~~500~~ 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12, and that existed on the date on which the application for the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment was submitted to the Division;

(III) Evidence that the applicant controls not less than \$150,000 in liquid assets to cover the initial expenses of opening the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment and complying with the provisions of sections 10 to 20, inclusive, of this act;

(IV) Evidence that the applicant owns the property on which the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment will be located or has the written permission of the property owner to operate the

proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment on that property;

(V) For the applicant and each person who will be ~~a principal~~ an owner, officer or board member of the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Division 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;

(VI) ~~The name and credentials of the physician licensed in this State who will serve as the medical director of the proposed nonprofit medical marijuana dispensary;~~

~~(VII)~~ The name, address and date of birth of each person who will be ~~a principal~~ an owner, officer or board member of the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment; and

~~(VIII)~~ (VII) The name, address and date of birth of each person who will be employed by or otherwise provide labor at the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment as a ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment agent;

(3) Operating procedures consistent with rules of the Division for oversight of the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment, including, without limitation ~~f, procedures~~ ;

(I) Procedures to ensure ~~accurate recordkeeping and~~ the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system, pursuant to sections 19.1 and 19.2 of this act;

(4) If the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment will sell or deliver ~~marijuana infused~~ edible ~~food~~ marijuana products, ~~marijuana infused tinctures or other similar products,~~ proposed operating procedures for handling such ~~goods~~ products which must be preapproved by the Division;

(5) If the city, town or county in which the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment will be located has enacted zoning restrictions, a sworn statement certifying that the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment is in compliance with those restrictions; and

(6) Such other information as the Division may require by regulation;

(b) None of the persons who would be ~~principal~~ owners, officers or board members of the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment have been convicted of an excluded felony offense;

(c) None of the persons who would be ~~principal~~ owners, officers or board members of the proposed ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment have:

(1) Served as ~~a principal~~ an owner, officer or board member for a ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment that has had its

~~[dispensary]~~ medical marijuana establishment registration certificate revoked; or

(2) Previously had a ~~[dispensary]~~ medical marijuana establishment agent registration card revoked; and

(d) None of the persons who would be ~~principal~~ owners, officers or board members of the proposed ~~nonprofit~~ medical marijuana ~~[dispensary]~~ establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who would be ~~a principal~~ an owner, officer or board member of a proposed ~~nonprofit~~ medical marijuana ~~[dispensary]~~ establishment, the Division shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. If an application for registration as a ~~nonprofit~~ medical marijuana ~~[dispensary]~~ establishment satisfies the requirements of this section and the ~~[dispensary]~~ establishment is not disqualified from being registered as a ~~nonprofit~~ medical marijuana ~~[dispensary]~~ establishment pursuant to this section or other applicable law, the Division shall issue to the ~~[dispensary]~~ establishment a ~~[dispensary]~~ medical marijuana establishment registration certificate. A ~~[dispensary]~~ medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in section 12 of this act.

Sec. 10.5. Each medical marijuana establishment must:

1. Be located in a separate building or facility;

2. Comply with local zoning ordinances and rules;

3. Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices; and

4. Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

Sec. 11. 1. Except as otherwise provided in this ~~[subsection]~~ section, the Division shall ~~not~~ issue ~~[dispensary]~~ medical marijuana establishment registration certificates for medical marijuana dispensaries in ~~such a quantity~~ the following quantities for applicants who qualify pursuant to section 10 of this act:

(a) In a county whose population is 700,000 or more, 40 certificates;

(b) In a county whose population is 100,000 or more but less than 700,000, 10 certificates;

(c) In a county whose population is 55,000 or more but less than 100,000, 2 certificates; and

(d) In each other county, 1 certificate.

2. Notwithstanding the provisions of subsection 1, the Division shall not issue medical marijuana establishment registration certificates for medical marijuana dispensaries in such a quantity as to cause the existence within the applicable county of more than one ~~nonprofit~~ medical marijuana dispensary for every 10 pharmacies that have been licensed in the county pursuant to chapter 639 of NRS, ~~and are operating within this State.~~ The Division may issue ~~dispensary~~ medical marijuana establishment registration certificates for medical marijuana dispensaries in excess of the ratio otherwise allowed pursuant to this subsection if to do so is necessary to ensure that the Division issues at least one ~~dispensary~~ medical marijuana establishment registration certificate in each county of this State in which the Division has approved an application for such an establishment to operate.

~~{2-}~~ 3. With respect to medical marijuana establishments that are not medical marijuana dispensaries, the Division shall determine the appropriate number of such establishments as are necessary to serve and supply the medical marijuana dispensaries to which the Division has granted medical marijuana establishment registration certificates.

4. The Division shall not, for more than a total of 10 ~~consecutive~~ business days in any 1 calendar year, accept applications to operate ~~nonprofit~~ medical marijuana ~~dispensaries~~.

~~3. Before adopting regulations to carry out the provisions of sections 10 to 20, inclusive, of this act, the Division shall issue such questionnaires and conduct such meetings and studies as may be necessary to determine the number of nonprofit medical marijuana dispensaries that can reasonably be operated in each county, city and town in this State with a view toward ensuring that the number of dispensaries is neither excessive nor insufficient to serve the population of patients who are valid registry identification cardholders in that county, city or town. If the Division determines that the likely number of applicants who wish to register a nonprofit medical marijuana dispensary in a given county, city or town exceeds the number of dispensaries reasonably necessary to serve the population of that county, city or town, the Division shall implement a lottery system to select the successful registrants from among the applications submitted.~~ establishments.

Sec. 12. ~~{The}~~

1. Except as otherwise provided in subsection 2, the Division shall collect not more than the following maximum fees:

For the initial issuance of a ~~dispensary~~ medical marijuana establishment registration certificate for a medical marijuana dispensary	~~(\$5,000)~~ \$20,000
For the renewal of a ~~dispensary~~ medical marijuana establishment registration certificate for a medical marijuana dispensary	~~(\$1,000)~~ 5,000

For the ~~change of address of a nonprofit~~ initial
issuance of a medical marijuana ~~dispensary or a~~
establishment registration certificate for a cultivation
~~site of such a dispensary~~ facility ~~[2,500]~~ 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 2,000

For the renewal of a medical marijuana establishment
registration certificate for a facility for the production
of edible marijuana products 750

For the initial issuance of a ~~dispensary~~ medical
marijuana establishment agent registration card 500

For the renewal of a ~~dispensary~~ medical marijuana
establishment agent registration card 500

2. In addition to the fees described in subsection 1, each applicant for a
medical marijuana establishment registration certificate must pay to the
Division:

(a) A one-time, nonrefundable application fee of \$5,000; and

(b) The actual costs incurred by the Division 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 Division in carrying out
the provisions of sections 10 to 20, inclusive of this act; 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 Treasurer
to be deposited to the credit of the State Distributive School Account in the
State General Fund.

Sec. 13. 1. A person shall not volunteer or work at a ~~nonprofit~~
medical marijuana ~~dispensary~~ establishment as a ~~nonprofit~~ medical
marijuana ~~dispensary~~ establishment agent unless the person is registered
with the Division pursuant to this section.

2. A ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment that
wishes to retain as a volunteer or employ a ~~nonprofit~~ medical marijuana
~~dispensary~~ establishment agent shall submit to the Division an application
on a form prescribed by the Division. The application must be accompanied
by:

(a) The name, address and date of birth of the prospective ~~nonprofit~~
medical marijuana ~~dispensary~~ establishment agent;

(b) A statement signed by the prospective ~~nonprofit~~ medical marijuana
~~dispensary~~ establishment agent pledging not to dispense or otherwise
divert marijuana to any person who is not authorized to possess marijuana in
accordance with the provisions of this chapter;

(c) A statement signed by the prospective ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment agent asserting that he or she has not previously had a ~~dispensary~~ medical marijuana establishment agent registration card revoked;

(d) A complete set of the fingerprints and written permission of the prospective ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment agent authorizing the Division 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;

(e) The application fee, as set forth in section 12 of this act; and

(f) Such other information as the Division may require by regulation.

3. A ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment shall notify the Division within 10 days after a ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment agent ceases to be employed by or volunteer at the ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment.

4. A person who:

(a) Has been convicted of an excluded felony offense; or

(b) Is less than 21 years of age,

➔ shall not serve as a ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment agent.

5. The Division shall submit the fingerprints of an applicant for registration as a ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

6. The provisions of this section do not require a person who is ~~a principal~~ an owner, officer or board member of a ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment to resubmit information already furnished to the Division at the time the ~~dispensary~~ establishment was registered with the Division.

7. If an applicant for registration as a ~~nonprofit~~ medical marijuana ~~dispensary~~ establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Division shall issue to the person a ~~dispensary~~ medical marijuana establishment agent registration card. A ~~dispensary~~ medical marijuana establishment agent registration card expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in section 12 of this act.

Sec. 14. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a ~~dispensary~~ medical marijuana establishment agent registration card or ~~dispensary~~ medical marijuana establishment registration certificate shall:

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

(b) Submit to the Division 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 Division 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 ~~dispensary~~ medical marijuana establishment agent registration card or ~~dispensary~~ medical marijuana establishment registration certificate; or

(b) A separate form prescribed by the Division.

3. A ~~dispensary~~ medical marijuana establishment agent registration card or ~~dispensary~~ medical marijuana establishment registration certificate may not be issued or renewed by the Division 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 Division 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. 15. 1. If the Division 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 ~~dispensary~~ medical marijuana establishment agent registration card or ~~dispensary~~ medical marijuana establishment registration certificate, the Division shall deem the card or certificate 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 Division receives a letter issued to the holder of the card or certificate by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the card or certificate has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a ~~dispensary~~ medical marijuana establishment agent registration card or ~~dispensary~~ medical marijuana establishment registration certificate that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the

person whose card or certificate was suspended stating that the person whose card or certificate was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 16. The following acts constitute grounds for immediate revocation of ~~the registration certificate of a nonprofit~~ medical marijuana dispensary establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a ~~nonprofit~~ medical marijuana dispensary establishment agent, another ~~nonprofit~~ medical marijuana dispensary establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.

2. Acquiring usable marijuana or mature marijuana plants from any person other than a ~~nonprofit~~ medical marijuana dispensary establishment agent, another ~~nonprofit~~ medical marijuana dispensary establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a ~~dispensary~~ medical marijuana establishment registration certificate.

Sec. 17. The following acts constitute grounds for the immediate revocation of the ~~dispensary~~ medical marijuana establishment agent registration card of a ~~nonprofit~~ medical marijuana dispensary establishment agent:

1. Having committed or committing any excluded felony offense.

2. Dispensing, delivering or otherwise transferring marijuana to a person other than a ~~nonprofit~~ medical marijuana dispensary establishment agent, another ~~nonprofit~~ medical marijuana dispensary agent, establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a ~~dispensary~~ medical marijuana establishment agent registration card.

Sec. 18. The purpose for registering ~~nonprofit~~ medical marijuana dispensaries establishments and ~~nonprofit~~ medical marijuana dispensary establishment agents is to protect the public health and safety and the general welfare of the people of this State. Any ~~dispensary~~ medical marijuana establishment registration certificate issued pursuant to section 10 of this act and any ~~dispensary~~ medical marijuana establishment agent registration card issued pursuant to section 13 of this act is a revocable privilege and the holder of such a certificate or card, as applicable, does not acquire thereby any vested right.

Sec. 19. 1. ~~A nonprofit medical marijuana dispensary must be operated on a not for profit basis. The bylaws of a nonprofit medical marijuana dispensary must contain such provisions relative to the disposition~~

~~of revenues and receipts to establish and maintain its nonprofit character.~~
~~A nonprofit medical marijuana dispensary:~~

~~(a) Need not be recognized as tax exempt by the Internal Revenue Service;~~
~~and~~

~~(b) Is not required to be organized pursuant to chapter 82 of NRS.~~

~~2. The operating documents of a nonprofit medical marijuana dispensary establishment must include procedures:~~

~~(a) For the oversight of the nonprofit medical marijuana dispensary;~~
~~and~~

~~(b) To ensure accurate recordkeeping.~~

~~3. , including, without limitation, the provisions of sections 19.1 and 19.2 of this act.~~

~~2. A nonprofit medical marijuana dispensary establishment must have a single secure entrance and shall implement appropriate strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.~~

~~4. 3. A nonprofit medical marijuana dispensary establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:~~

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

~~(b) Assist patients who possess valid registry identification cards by way of those patients' designated primary caregivers.~~

~~5. 4. All cultivation or production of marijuana that a nonprofit medical marijuana dispensary cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Division during the registration process for the dispensary cultivation facility. Such an enclosed, locked facility must be accessible only by nonprofit medical marijuana dispensary establishment agents who are lawfully associated with the nonprofit medical marijuana dispensary.~~

~~6. cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.~~

~~5. A nonprofit medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a patient who holds a valid registry identification card, or the designated primary caregiver of such a patient . only if Except as otherwise provided in this subsection, the patient or caregiver, as applicable, receives must receive no compensation for the marijuana.~~

~~7. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, may sell usable marijuana to a medical marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.~~

~~6. A [nonprofit] medical marijuana [dispensary] establishment shall not allow any person to consume marijuana on the property or premises of the [dispensary].~~

~~8. Nonprofit medical establishment.~~

~~7. Medical marijuana [dispensaries] establishments are subject to reasonable inspection by the Division. f. The Division shall give reasonable notice of an inspection under this subsection.~~

~~9. Nothing in this section prohibits a nonprofit medical marijuana dispensary from receiving payment or other compensation, provided that such payment or compensation is used by the dispensary only to cover costs incurred in the operation of the dispensary.} at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Division of the establishment.~~

Sec. 19.1. 1. Each medical marijuana establishment, in consultation with the Division, shall maintain an electronic verification system.

2. The electronic verification system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) Whether a person holds a valid registry identification card, including, without limitation:

(1) The date on which the card was issued;

(2) The date on which the card will expire; and

(3) The name and contact information of the attending physician who advised the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(b) Whether a medical marijuana establishment agent holds a valid medical marijuana establishment agent registration card;

(c) Whether another medical marijuana establishment is registered validly in accordance with sections 10 to 20, inclusive, of this act;

(d) Whether the registry identification card, or equivalent thereof, possessed or presented by a person who is not a resident of Nevada, is genuine and valid; and

(e) Such other information as the Division may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an electronic verification system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an electronic verification system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 19.2. 1. Each medical marijuana establishment, in consultation with the Division, shall maintain an inventory control system.

2. The inventory control system required pursuant to subsection 1 must be able to monitor and report information, including, without limitation:

(a) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of medical marijuana from the point that it is harvested at a cultivation facility until it is sold at a medical marijuana dispensary and, if applicable, if it is processed at a facility for the production of edible marijuana products;

(b) The name of each person or other medical marijuana establishment, or both, to which the establishment sold marijuana;

(c) In the case of a medical marijuana dispensary, the date on which it sold marijuana to a person who holds a registry identification card and, if any, the quantity of edible marijuana products sold, measured both by weight and potency; and

(d) Such other information as the Division may require.

3. Nothing in this section prohibits more than one medical marijuana establishment from co-owning an inventory control system in cooperation with other medical marijuana establishments, or sharing the information obtained therefrom.

4. A medical marijuana establishment must exercise reasonable care to ensure that the personal identifying information of persons who hold registry identification cards which is contained in an inventory control system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

Sec. 19.3. Each medical marijuana dispensary shall ensure all of the following:

1. The weight, concentration and content of THC in all marijuana and edible marijuana products that the dispensary sells is clearly and accurately stated on the product sold.

2. That the dispensary does not sell to a person, in any one 14-day period, an amount of marijuana for medical purposes that exceeds the limits set forth in NRS 453A.200.

3. That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

4. That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of marijuana for medical purposes, as set forth in NRS 453A.200.

Sec. 19.4. 1. At each medical marijuana establishment, medical marijuana must be stored only in an enclosed, locked facility.

2. Except as otherwise provided in subsection 3, at each medical marijuana dispensary, medical marijuana must be stored in a secure, locked device, display case, cabinet or room within the enclosed, locked facility. The secure, locked device, display case, cabinet or room must be protected by a lock or locking mechanism that meets at least the security rating established by Underwriters Laboratories for key locks.

3. At a medical marijuana dispensary, medical marijuana may be removed from the secure setting described in subsection 2:

- (a) Only for the purpose of dispensing the marijuana;
- (b) Only immediately before the marijuana is dispensed; and
- (c) Only by a medical marijuana establishment agent who is employed by or volunteers at the dispensary.

Sec. 19.5. 1. The State of Nevada and the medical marijuana dispensaries in this State which hold valid medical marijuana establishment registration certificates will recognize a nonresident card only under the following circumstances:

(a) The state or jurisdiction from which the holder or bearer obtained the nonresident card grants an exemption from criminal prosecution for the medical use of marijuana;

(b) The state or jurisdiction from which the holder or bearer obtained the nonresident card requires, as a prerequisite to the issuance of such a card, that a physician advise the person that the medical use of marijuana may mitigate the symptoms or effects of the person's medical condition;

(c) The nonresident card has an expiration date and has not yet expired;

(d) The state or jurisdiction from which the holder or bearer obtained the nonresident card maintains a database which preserves such information as may be necessary to verify the authenticity and validity of the nonresident card;

(e) The state or jurisdiction from which the holder or bearer obtained the nonresident card allows the Division and medical marijuana dispensaries in this State to access the database described in paragraph (d);

(f) The Division determines that the database described in paragraph (d) is able to provide to medical marijuana dispensaries in this State information that is sufficiently accurate, current and specific as to allow those dispensaries to verify that a person who holds or bears a nonresident card is entitled lawfully to do so; and

(g) The holder or bearer of the nonresident card agrees to abide by, and does abide by, the legal limits on the possession of marijuana for medical purposes in this State, as set forth in NRS 453A.200.

2. For the purposes of the reciprocity described in this section:

(a) The amount of medical marijuana that the holder or bearer of a nonresident card is entitled to possess in his or her state of residence is not relevant; and

(b) Under no circumstances, while in this State, may the holder or bearer of a nonresident card possess marijuana for medical purposes in excess of the limits set forth in NRS 453A.200.

3. As used in this section, "nonresident card" means a card or other identification that:

- (a) Is issued by a state or jurisdiction other than Nevada; and
- (b) Is the functional equivalent of a registry identification card, as determined by the Division.

Sec. 19.6. 1. Each medical marijuana dispensary shall, at the time of making a sale of marijuana or edible marijuana products, or both, collect a flat fee of \$10 for deposit in the State General Fund.

2. The fee described in subsection 1 is to be applied in addition to any overhead or administrative costs of the medical marijuana dispensary in making the sale, and in addition to any profit made by the medical marijuana dispensary on the sale.

3. As used in this section, "sale" means a single completed purchase, regardless of the number of individual items included in the purchase.

Sec. 19.7. Each medical marijuana dispensary and facility for the production of edible marijuana products shall, in consultation with the Division, cooperate to ensure that all edible marijuana products offered for sale:

1. Are labeled clearly and unambiguously as medical marijuana.

2. Are not presented in packaging that is appealing to children.

3. Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

4. Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

Sec. 19.8. 1. If a law enforcement agency legally and justly seizes evidence from a medical marijuana establishment on a basis that, in consideration of due process and viewed in the manner most favorable to the establishment, would lead a reasonable person to believe that a crime has been committed, the relevant provisions of NRS 179.1156 to 179.121, inclusive, apply insofar as they do not conflict with the provisions of this chapter.

2. As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 239C.065.

Sec. 19.9. 1. The Division shall establish or cause to be established an independent testing laboratory.

2. The independent testing laboratory must determine, with respect to marijuana and edible marijuana products that are sold or will be sold at medical marijuana dispensaries in this State:

(a) The concentration therein of THC and cannabidiol.

(b) Whether the tested material is organic or non-organic.

(c) The presence and identification of molds and fungus.

(d) The presence and concentration of fertilizers and other nutrients.

3. The cost of establishing the independent testing laboratory must be paid from the revenues described in paragraph (a) of subsection 3 of section 12 of this act.

Sec. 20. The Division shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of sections 10 to 20, inclusive, of this act. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to sections 10 and 13 of this act.

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

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

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

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

(d) Provisions for the security of ~~nonprofit~~ medical marijuana ~~dispensaries~~ establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each ~~nonprofit~~ medical marijuana ~~dispensary~~ and, if applicable, any associated site at which activities of production or cultivation are conducted establishment.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in section 12 of this act may be reduced over time:

(a) To ensure that the fees imposed pursuant to section 12 of this act are, insofar as may be practicable, revenue neutral; and

(b) To reflect gifts and grants received by the Division pursuant to NRS 453A.720.

4. Set forth the amount of usable marijuana that a ~~nonprofit~~ medical marijuana dispensary may dispense to a person who holds a valid registry identification card, or the designated primary caregiver of such a person, in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.

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

6. In cooperation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, establish a system to:

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

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

(c) Provide for the progressive discipline of attending physicians who advise the medical use of marijuana at a rate at which the Division and Board determine and agree to be unreasonably high.

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

Sec. 21. NRS 453A.010 is hereby amended to read as follows:

453A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 453A.020 to 453A.170, inclusive, and sections 3 to 9, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 21.5. NRS 453A.100 is hereby amended to read as follows:

453A.100 ~~["Drug paraphernalia" has the meaning ascribed to it in NRS 453.554.]~~ "Paraphernalia" means accessories, devices and other equipment that is necessary or useful for a person to engage in the medical use of marijuana.

Sec. 22. NRS 453A.200 is hereby amended to read as follows:

453A.200 1. Except as otherwise provided in this section and NRS 453A.300, a person who holds a valid registry identification card issued to the person pursuant to NRS 453A.220 or 453A.250 is exempt from state prosecution for:

- (a) Possession, delivery or production of marijuana;
- (b) Possession or delivery of ~~[drug]~~ paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of marijuana;
- (d) Aiding and abetting another in the possession or delivery of ~~[drug]~~ paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of ~~[drug]~~ paraphernalia is an element.

2. In addition to the provisions of ~~[subsection]~~ subsections 1 ~~[,]~~ and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this chapter.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person who holds a registry identification card issued to the person pursuant to paragraph (a) of subsection 1 of NRS 453A.220 and the designated primary caregiver, if any, of such a person:

- (a) Engage in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of the person's chronic or debilitating medical condition; and
- (b) Do not, at any one time, collectively possess, deliver or produce more than:

(1) ~~{One ounce}~~ Two and one-half ounces of usable marijuana ~~{;}~~ in any one 14-day period; and

(2) ~~{Three mature}~~ Twelve marijuana plants ~~{; and}~~

~~(3) Four immature marijuana plants.}~~ , irrespective of whether the marijuana plants are mature or immature.

↪ The persons described in this subsection must ensure that the usable marijuana and marijuana plants described in this subsection are safeguarded in an enclosed, locked facility ~~and~~ pursuant to the requirements of section 19.4 of this act.

4. If the persons described in subsection 3 possess, deliver or produce marijuana in an amount which exceeds the amount described in paragraph (b) of that subsection, those persons:

(a) Are not exempt from state prosecution for possession, delivery or production of marijuana.

(b) May establish an affirmative defense to charges of possession, delivery or production of marijuana, or any combination of those acts, in the manner set forth in NRS 453A.310.

5. A person who holds a valid ~~dispensary~~ medical marijuana establishment registration certificate issued to the person pursuant to section 10 of this act or a valid ~~dispensary~~ medical marijuana establishment agent registration card issued to the person pursuant to section 13 of this act, and who confines his or her activities to those authorized by sections 10 to 20, inclusive, of this act and the regulations adopted by the Division pursuant thereto, is exempt from state prosecution for:

(a) Possession, delivery or production of marijuana;

(b) Possession or delivery of ~~drug~~ paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of marijuana;

(d) Aiding and abetting another in the possession or delivery of ~~drug~~ paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of ~~drug~~ paraphernalia is an element.

6. Notwithstanding any other provision of law and except as otherwise provided in this subsection, after a medical marijuana dispensary opens in the county of residence of a person who holds a registry identification card or his or her designated primary caregiver, if any, such persons are not authorized to cultivate, grow or produce marijuana. The provisions of this subsection do not apply if:

(a) All the medical marijuana dispensaries in the county of residence of the person who holds the registry identification card or his or her designated

primary caregiver, if any, close or are unable to supply marijuana for medical use.

(b) Because of illness or lack of transportation, the person who holds the registry identification card and his or her designated primary caregiver, if any, are unable reasonably to travel to a medical marijuana dispensary.

7. As used in this section, "marijuana" includes, without limitation, edible marijuana products.

Sec. 22.5. NRS 453A.300 is hereby amended to read as follows:

453A.300 1. A person who holds a registry identification card issued to him or her pursuant to NRS 453A.220 or 453A.250 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of marijuana.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing marijuana in violation of NRS 453.336 or possessing ~~(drug)~~ paraphernalia in violation of NRS 453.560 or 453.566, if the possession of the marijuana or ~~(drug)~~ paraphernalia is discovered because the person engaged or assisted in the medical use of marijuana in:

(1) Any public place or in any place open to the public or exposed to public view; or

(2) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders.

(e) Delivering marijuana to another person who he or she knows does not lawfully hold a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

(f) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card issued by the Division or its designee pursuant to NRS 453A.220 or 453A.250.

2. Except as otherwise provided in NRS 453A.225 and in addition to any other penalty provided by law, if the Division determines that a person has willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card for a period of up to 6 months.

Sec. 23. NRS 453A.400 is hereby amended to read as follows:

453A.400 1. The fact that a person possesses a registry identification card issued to the person by the Division or its designee pursuant to NRS 453A.220 or 453A.250, a ~~(dispensary)~~ medical marijuana establishment registration certificate issued to the person by the Division or

its designee pursuant to section 10 of this act or a ~~[dispensary]~~ medical marijuana establishment agent registration card issued to the person by the Division or its designee pursuant to section 13 of this act does not, alone:

(a) Constitute probable cause to search the person or the person's property; or

(b) Subject the person or the person's property to inspection by any governmental agency.

2. Except as otherwise provided in this subsection, if officers of a state or local law enforcement agency seize marijuana, ~~[drug]~~ paraphernalia or other related property from a person engaged in, *facilitating* or assisting in the medical use of marijuana:

(a) The law enforcement agency shall ensure that the marijuana, ~~[drug]~~ paraphernalia or other related property is not destroyed while in the possession of the law enforcement agency.

(b) Any property interest of the person from whom the marijuana, ~~[drug]~~ paraphernalia or other related property was seized must not be forfeited pursuant to any provision of law providing for the forfeiture of property, except as part of a sentence imposed after conviction of a criminal offense.

(c) Upon a determination by the district attorney of the county in which the marijuana, ~~[drug]~~ paraphernalia or other related property was seized, or the district attorney's designee, that the person from whom the marijuana, ~~[drug]~~ paraphernalia or other related property was seized is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter, the law enforcement agency shall immediately return to that person any usable marijuana, marijuana plants, ~~[drug]~~ paraphernalia or other related property that was seized.

↪ The provisions of this subsection do not require a law enforcement agency to care for live marijuana plants.

3. For the purposes of paragraph (c) of subsection 2, the determination of a district attorney or the district attorney's designee that a person is engaging in or assisting in the medical use of marijuana in accordance with the provisions of this chapter shall be deemed to be evidenced by:

(a) A decision not to prosecute;

(b) The dismissal of charges; or

(c) Acquittal.

Sec. 24. NRS 453A.740 is hereby amended to read as follows:

453A.740 The Administrator of the Division shall adopt such regulations as the Administrator determines are necessary to carry out the provisions of this chapter. The regulations must set forth, without limitation:

1. Procedures pursuant to which the Division will, in cooperation with the Department of Motor Vehicles, cause a registry identification card to be prepared and issued to a qualified person as a type of identification card described in NRS 483.810 to 483.890, inclusive. The procedures described in this subsection must provide that the Division will:

(a) Issue a registry identification card to a qualified person after the card has been prepared by the Department of Motor Vehicles; or

(b) Designate the Department of Motor Vehicles to issue a registry identification card to a person if:

(1) The person presents to the Department of Motor Vehicles valid documentation issued by the Division indicating that the Division has approved the issuance of a registry identification card to the person; and

(2) The Department of Motor Vehicles, before issuing the registry identification card, confirms by telephone or other reliable means that the Division has approved the issuance of a registry identification card to the person.

2. ~~{Criteria for determining whether a marijuana plant is a mature marijuana plant or an immature marijuana plant.~~

3. ~~3.~~ Fees for:

(a) Providing to an applicant an application for a registry identification card, which fee must not exceed \$50; and

(b) Processing and issuing a registry identification card, which fee must not exceed \$150.

Sec. 24.3. NRS 453A.800 is hereby amended to read as follows:

453A.800 The provisions of this chapter do not:

1. Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of marijuana.

2. Require any employer to ~~{accommodate}~~ allow the medical use of marijuana in the workplace.

3. Require an employer to modify the job or working conditions of a person who engages in the medical use of marijuana that are based upon the reasonable business purposes of the employer but the employer must attempt to make reasonable accommodations for the medical needs of an employee who engages in the medical use of marijuana if the employee holds a valid registry identification card, provided that such reasonable accommodation would not pose a threat of harm or danger to persons or property or impose an undue hardship on the employer.

Sec. 24.5. NRS 372A.060 is hereby amended to read as follows:

372A.060 1. This chapter does not apply to ~~{any}~~ :

(a) Any person who is registered or exempt from registration pursuant to NRS 453.226 or any other person who is lawfully in possession of a controlled substance ~~{it}~~ ; or

(b) Any person who acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana for the medical use of marijuana as authorized pursuant to chapter 453A of NRS.

2. Compliance with this chapter does not immunize a person from criminal prosecution for the violation of any other provision of law.

Sec. 24.7. NRS 372A.070 is hereby amended to read as follows:

372A.070 1. A person shall not sell, offer to sell or possess with the intent to sell a controlled substance unless he or she first:

(a) Registers with the Department as a dealer in controlled substances and pays an annual fee of \$250; and

(b) Pays a tax on:

(1) ~~Each gram of marijuana, or portion thereof, of \$100;~~

~~(2)~~ Each gram of ~~any other~~ a controlled substance, or portion thereof, of \$1,000; and

~~(3)~~ (2) Each 50 dosage units of a controlled substance that is not sold by weight, or portion thereof, of \$2,000.

2. For the purpose of calculating the tax imposed by ~~subparagraphs~~ subparagraph (1) ~~and (2)~~ of paragraph (b) of subsection 1, the controlled substance must be measured by the weight of the substance in the dealer's possession, including the weight of any material, compound, mixture or preparation that is added to the controlled substance.

3. The Department shall not require a registered dealer to give his or her name, address, social security number or other identifying information on any return submitted with the tax.

4. Any person who violates subsection 1 is subject to a civil penalty of 100 percent of the tax in addition to the tax imposed by subsection 1. Any civil penalty imposed pursuant to this subsection must be collected as part of the tax.

5. The district attorney of any county in which a dealer resides may institute and conduct the prosecution of any action for violation of subsection 1.

6. Property forfeited or subject to forfeiture pursuant to NRS 453.301 must not be used to satisfy a fee, tax or penalty imposed by this section.

7. As used in this section, "controlled substance" does not include marijuana.

Sec. 25. On or before January 1, 2014, the Health Division of the Department of Health and Human Services shall adopt the regulations required pursuant to section 20 of this act.

Sec. 26. 1. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2014, for all other purposes.

2. Sections 14 and 15 of this act expire by limitation on 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 Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 333 to Senate Bill No. 374 provides for the registration of medical marijuana establishments, rather than nonprofit dispensaries. It provides that the establishments include: (1) cultivation facilities; (2) facilities for the production of edible marijuana products; and (3) medical marijuana dispensaries. It further provides definitions for the terms relating to marijuana establishments.

Amendment No. 333 to Senate Bill No. 374 makes certain requirements for medical marijuana establishments. It revises and adds certain fees, and it revises provisions relating to inspections of the medical marijuana facilities by the Health Division of the Department of Health and Human Services. Finally, the amendment provides that it is a Category E felony to counterfeit or attempt to forge or counterfeit a registry identification card.

Amendment adopted.

Senator Smith moved that Senate Bill No. 374 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Senate Bill No. 375.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 330.

"SUMMARY—Revises provisions relating to elections. (BDR 24-496)"

"AN ACT relating to elections; ~~requiring the Secretary of State, each voter registration agency and each county clerk to cooperatively establish a system providing for certain electronic applications to register to vote and for~~ establishing procedures by which a person applying for or receiving services or assistance from voter registration agencies may consent to the electronic transmission of certain information ~~relating to voter registration,~~ in order to register to vote or to correct information contained in the statewide voter registration list; authorizing the Secretary of State to enter into certain agreements with federal agencies for the federal agencies to provide for persons to register to vote in this State; providing for voting preregistration by certain persons between the ages of 16 and 18; providing that certain voter registration information is confidential; authorizing certain persons who are not registered to vote to cast provisional ballots; requiring certain governmental agencies to serve as voter registration agencies; providing additional duties of voter registration agencies; requiring the Secretary of State to establish a system for using a computer to register voters and for providing voting information; authorizing county clerks to enter into certain agreements with voter registration agencies and certain federal agencies regarding the obtaining of certain data relating to voter registration information; making various other changes relating to elections; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law designates the offices of certain governmental agencies as voter registration agencies which are required to offer applications to register to vote to persons who apply for or receive services from the agency, to assist applicants in completing the applications and to forward the applications to the county clerk. (NRS 293.504)

Section 17 of this bill additionally designates as voter registration agencies: (1) housing authorities; (2) the Department of Employment, Training and Rehabilitation ~~;~~ under certain circumstances; (3) ~~the Department of Wildlife, under certain circumstances; and (4)~~ colleges and universities of the Nevada System of Higher Education under certain circumstances ~~;~~ ; and (4) the Office of Veterans Services, under certain circumstances. Section 17 also specifies the factors that the Secretary of State must consider when determining whether to designate any additional agency as a voter registration agency. Section 17 further prescribes certain duties of a voter registration agency.

Sections 3-3.11 of this bill establish procedures by which, with the consent of a person applying for or receiving services from a voter registration agency, information may be electronically transmitted to the Secretary of State, and subsequently to county clerks, for the purpose of registering the person to vote or updating his or her voter registration information. The procedures must be implemented by the Department of Motor Vehicles effective July 1, 2014, and by all other voter registration agencies effective July 1, 2015.

Section 18 of this bill prohibits a person who works for a voter registration agency to harass or discriminate against certain persons.

Sections 10, 11 and 12 of this bill authorize the casting of provisional ballots by persons who are not registered to vote under certain circumstances.

Section 4 of this bill authorizes the Secretary of State to enter into an agreement with any federal agency under which the federal agency may provide for persons to register to vote in this State.

~~[Section 3 of this bill requires the Secretary of State, each voter registration agency and each county clerk cooperatively to establish a system providing for: (1) electronic applications to register to vote; and (2) electronic transmission of certain information relating to voter registration.]~~

Section 5 of this bill authorizes certain persons who are between the ages of 16 and 18 to preregister to vote.

~~[Section 20 of this bill requires the Secretary of State to prescribe the electronic form to be used for persons completing an electronic application to register to vote. Section 22 of this bill provides that an electronic signature affixed to an electronic application satisfies the statutory requirement that applications to register to vote be signed.]~~ Section 26 of this bill requires county clerks to send to certain voters certain notices relating to the statewide voter registration list. Sections 27 and 28 of this bill authorize county clerks to enter into agreements with voter registration agencies and certain federal agencies for the purpose of updating address information on the statewide

voter registration list. Section 28.5 of this bill prohibits certain uses of information that is contained in the statewide voter registration list.

Section 19 of this bill requires the Secretary of State to establish on his or her Internet website a system for using a computer to register voters and for providing voting information. Sections 13 and 14 of this bill require websites of county clerks to provide: (1) a link to that system; (2) information regarding registration dates for upcoming elections; and (3) a list of locations at which a person may register to vote.

Section 15 of this bill requires each county clerk to collect, for submission to the Secretary of State, certain information regarding applications to register to vote.

Section 6 of this bill provides that certain voter information is confidential and not open to public inspection.

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 ~~21~~ 3 to 6, inclusive, of this act.

Sec. 2. ~~["Electronic signature" has the meaning ascribed to it in NRS 719.100.] (Deleted by amendment.)~~

Sec. 3. 1. ~~The Secretary of State, each voter registration agency the Department of Motor Vehicles and each county clerk shall cooperatively establish a system by which ~~to~~~~

~~(a) An electronic application to register to vote; voter registration information that is collected pursuant to section 3.4 of this act by the Department from a person who applies for the issuance or renewal of any type of driver's license or identification card issued by the Department may be ~~completed at the voter registration agency and~~ transmitted ~~by approved electronic transmission~~ electronically to the ~~appropriate county clerk pursuant to NRS 293.504; and~~~~

~~(b) Information may be provided to a voter registration agency by a registered voter and transmitted by approved electronic transmission to the appropriate county clerk pursuant to NRS 293.504; Secretary of State for the purposes of registering the person to vote or correcting the statewide voter registration list pursuant to NRS 293.530.~~

2. The system established pursuant to subsection 1 must be designed to:

(a) Ensure the secure electronic storage of ~~electronic applications to register to vote and~~ information collected pursuant to section 3.4 of this act ~~and~~ the secure transmission of ~~electronic applications to register to vote and~~ such information to the ~~county clerk~~

~~(b) Ensure the receipt, viewing and printing by a county clerk of an electronic application to register to vote or any file or record containing other information transmitted to the county clerk and the secure storage of electronic applications to register to vote and information by the county clerk; and~~

~~(e) Allow for a person who is completing an electronic application to register to vote to affix an electronic signature to the application.~~ Secretary of State and county clerks and the secure electronic storage of such information by the Secretary of State and county clerks;

(b) Provide for the destruction of records by the Department as required by subsection 2 of section 3.6 of this act; and

(c) Enable the Secretary of State to receive, view and collate the information into individual electronic documents pursuant to paragraph (c) of subsection 1 of section 3.8 of this act.

Sec. 3.2. 1. The Department of Motor Vehicles shall follow the procedures described in this section and sections 3.4 and 3.6 of this act if a person applies, in person at an office of the Department, for the issuance or renewal of any type of driver's license or identification card issued by the Department.

2. Using language approved by the Secretary of State and before concluding the person's transaction with the Department, the Department shall notify each person described in subsection 1:

(a) Of the qualifications to vote in this State, as provided by NRS 293.485;

(b) That, if the person consents, the Department will transmit to the Secretary of State all information required to register the person to vote pursuant to this chapter or to update the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530;

(c) That providing information to be used to register the person to vote or to update the voter registration information of the person is voluntary;

(d) That:

(1) Indicating a political party affiliation or indicating that the person is not affiliated with a political party is voluntary;

(2) The person may indicate a political party affiliation on a paper form; and

(3) A person who consents to the transmission of information and who does not indicate a major political party affiliation will not be able to vote at a primary election or primary city election for candidates for partisan office of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation; and

(e) Of the provisions of subsections 2 and 3 of section 3.11 of this act.

Sec. 3.4. 1. After notifying a person pursuant to subsection 2 of section 3.2 of this act, the Department of Motor Vehicles shall ask the person if he or she consents to the transmission of information required to register the person to vote or to update his or her voter registration information.

2. If a person consents to the transmission of information required to register the person to vote or to update his or her voter registration information, the Department shall collect from the person:

(a) A signed affirmation that the person is eligible to vote;

(b) An electronic facsimile of the signature of the person, if the Department is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;

(c) Any personal information which the person has not already provided to the Department and which is required for the person to register to vote or to update the voter registration information of the person, including:

(1) The first or given name and the surname of the person;

(2) The address at which the voter actually resides, as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;

(3) The date of birth of the person;

(4) Subject to the provisions of subsection 3, one of the following:

(I) The number indicated on the person's current and valid driver's license issued by the Department, if the person has such a driver's license; or

(II) The last four digits of the person's social security number, if the person does not have a driver's license issued by the Department and has a social security number; and

(5) The political party affiliation, if any, indicated by the person; and

(d) The paper form, if any, completed by the person and indicating his or her political party affiliation.

3. If the person does not have the identification set forth in subparagraph (4) of paragraph (c) of subsection 2, the person must sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the person which must be the same number as the unique identifier assigned to the person for purposes of the statewide voter registration list.

Sec. 3.6. 1. The Department of Motor Vehicles shall electronically transmit to the Secretary of State the information collected from a person pursuant to paragraph (c) of subsection 2 of section 3.4 of this act, confirmation that the person signed the affirmation described in paragraph (a) of subsection 2 of section 3.4 of this act and, if possible, the electronic facsimile of the signature of the person collected pursuant to paragraph (b) of subsection 2 of section 3.4 of this act:

(a) Except as otherwise provided in paragraph (b), not later than 5 days after collecting the information; and

(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 day after collecting the information.

2. The Department shall destroy any record with information collected pursuant to section 3.4 of this act that is not otherwise collected by the Department in the normal course of business immediately after transmitting information to the Secretary of State pursuant to subsection 1.

3. The Department shall forward the following documents to the Secretary of State pursuant to a schedule prescribed by the Secretary of State:

(a) Each affirmation signed pursuant to paragraph (a) of subsection 2 of section 3.4 of this act;

(b) Any completed paper form indicating a political party affiliation collected pursuant to paragraph (d) of subsection 2 of section 3.4 of this act; and

(c) Any affidavit signed pursuant to subsection 3 of section 3.4 of this act.

Sec. 3.8. 1. If a person consents pursuant to section 3.4 of this act to the transmission of information required to register the person to vote or to update his or her voter registration information:

(a) The person shall be deemed an applicant to register to vote;

(b) Any act by the person pursuant to section 3.4 of this act shall be deemed an act of applying to register to vote;

(c) Upon receipt of the information collected from the person and transmitted by the Department of Motor Vehicles, the Secretary of State shall collate the information into an individual electronic document, which shall be deemed an application to register to vote; and

(d) Unless the applicant is already registered to vote, the date on which the person applies to register to vote pursuant to section 3.4 of this act shall be deemed the date on which the applicant is registered to vote.

2. Except as otherwise provided in subsection 5, the Secretary of State shall:

(a) Electronically transmit each application to register to vote to the appropriate county clerk; and

(b) Forward to the county clerk any document that was forwarded to the Secretary of State pursuant to subsection 3 of section 3.6 of this act.

3. If the county clerk determines that the application is complete and that the applicant is eligible to vote pursuant to NRS 293.485, the name of the applicant must appear on the statewide voter registration list and the appropriate election board register, and the person must be provided all sample ballots and any other voter information provided to registered voters.

4. For each applicant who applies to register to vote pursuant to section 3.4 of this act:

(a) The electronic facsimile of the signature of the applicant shall be deemed to be the facsimile of the signature to be used for the comparison purposes of NRS 293.277 if:

(1) An electronic facsimile of the signature has been collected and transmitted to the Secretary of State pursuant to sections 3.4 and 3.6, respectively, of this act;

(2) The county clerk of the county in which the applicant resides is capable of receiving, storing and using the facsimile of the signature for that purpose; and

(3) The Secretary of State has transmitted the electronic facsimile of the signature to the appropriate county clerk; and

(b) If the conditions described in paragraph (a) are not met, the signature of the applicant on the affirmation signed pursuant to paragraph (a) of

subsection 2 of section 3.4 of this act shall be deemed to be the signature on the person's original application to vote for the purposes of making a facsimile thereof to be used for the comparison purposes of NRS 293.277.

5. If an applicant is already registered to vote, the Secretary of State shall use the voter registration information of the applicant received pursuant to this section to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

Sec. 3.11. 1. A person who does not consent to the electronic transmission of information pursuant to this section may apply to register to vote at the Department of Motor Vehicles pursuant to NRS 293.524.

2. Whether a person registers to vote pursuant to section 3.4 of this act may not affect the provision of services or assistance to the person by the Department, and the fact of a person registering to vote pursuant to section 3.4 of this act or declining to do so may not be disclosed to the public.

3. Any information collected pursuant to sections 3 to 3.11, inclusive, of this act may not be used for any purpose other than voter registration.

4. The Secretary of State shall adopt regulations necessary to carry out the provisions of sections 3 to 3.11, inclusive, of this act.

Sec. 4. The Secretary of State may enter into an agreement with any federal agency under which the federal agency may provide for persons to register to vote in this State. Any such agreement must require the federal agency to follow the procedures and requirements described in NRS 293.504 and ~~section 3~~ 293.524, and sections 3 to 3.11, inclusive, of this act for registering persons to vote.

Sec. 5. 1. Every citizen of the United States who is 16 years of age or older, who has continuously resided in this State for 30 days or longer may preregister to vote by any of the means available for a person who is entitled to vote at an election pursuant to NRS 293.485 to register to vote pursuant to this chapter. A person eligible to preregister to vote pursuant to this section is deemed to be preregistered to vote upon the submission of a completed application to preregister.

2. Except as otherwise provided in subsection 3, a person who preregisters to vote pursuant to this section shall be deemed to be registered to vote on his or her 18th birthday and the county clerk shall issue to the person a voter registration card as described in subsection 6 of NRS 293.517 as soon as practicable after his or her 18th birthday.

3. The preregistration to vote of a person may be cancelled by any of the means and for any of the reasons for cancelling a registration pursuant to this chapter.

4. The preregistration information of a person may be updated by any of the means for updating the registration information of a person pursuant to this chapter.

5. The Secretary of State shall adopt regulations providing for preregistration to vote pursuant to this section. The regulations:

(a) Must include, without limitation, provisions to ensure that any person who preregisters to vote pursuant to this section is issued a voter registration card; and

(b) Must not require a county clerk to provide to a person who preregisters to vote pursuant to this section sample ballots or any other voter information provided to registered voters unless the person will be eligible to vote at the election for which the sample ballots or other information is provided.

Sec. 6. 1. The following information must remain confidential and is not available for public inspection:

(a) A voter's signature, ~~telephone number and~~ electronic signature, telephone number and electronic mail address.

(b) Any portion of the social security number or driver's license or identification card number of a voter.

(c) Any information relating to where a person registers to vote.

(d) The fictitious address and any other contact information of any person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

2. The information described in subsection 1 may only be used by an election officer for purposes related to voter registration.

Sec. 7. ~~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 section 2 of this act have the meanings ascribed to them in those sections. (Deleted by amendment.)~~

Sec. 8. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsection 3, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample

must include an examination of at least 500 or 5 percent of the signatures, whichever is greater. If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in this subsection, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination. ~~If, pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer, the~~ *The county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination* ~~if a registered voter submits his or her application to register to vote by computer~~ *or pursuant to the provisions of section 3.4 of this act.*

5. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

6. Except as otherwise provided in subsection 8, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy

of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

7. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

8. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

9. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 9. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers *to vote* by mail or computer ~~[to vote]~~ in this State or applies to register to vote pursuant to section 3.4 of this act, or a person who preregisters to vote pursuant to section 5 of this act by mail or computer and is subsequently deemed registered, and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

➡ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of this section do not apply to a person who:

(a) Registers to vote by mail *or computer, or preregisters to vote pursuant to section 5 of this act by mail or computer*, and submits with an application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Registers to vote by mail and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to section 3.4 of this act and, at the time information is collected by the Department of Motor Vehicles pursuant to section 3.4 of this act, presents to the Department:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.;

~~/(d)/~~ (e) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §§ 1973ee et seq.; or

~~/(e)/~~ (f) Is entitled to vote otherwise than in person under any other federal law.

Sec. 9.5. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers to vote by mail or computer in this State or applies to register to vote pursuant to section 3.4 of this act, or a person who preregisters to vote pursuant to section 5 of this act by mail or computer and is subsequently deemed registered, and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person, which shows his or her physical address; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

➡ If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.

2. The provisions of this section do not apply to a person who:

(a) Registers to vote by mail or computer, or preregisters to vote pursuant to section 5 of this act by mail or computer, and submits with an application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Registers to vote by mail and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Registers to vote pursuant to section 3.4 of this act and, at the time information is collected by ~~the Department of Motor Vehicles~~ a voter registration agency pursuant to section 3.4 of this act, presents to the ~~Department~~ agency:

(1) A copy of a current and valid photo identification;

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; or

(3) A driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(d) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.;

(e) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §§ 1973ee et seq.; or

(f) Is entitled to vote otherwise than in person under any other federal law.

Sec. 10. NRS 293.3081 is hereby amended to read as follows:

293.3081 A person at a polling place may cast a provisional ballot in an election to vote for a candidate for federal office if the person complies with the applicable provisions of NRS 293.3082 and:

1. Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but his or her name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;

2. Applies by mail or computer, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place; ~~or~~

3. Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election ~~[-];~~ or

4. ~~Declares that he or she applied for for received services or assistance from a voter registration agency~~ the issuance or renewal of a driver's license or identification card issued by the Department of Motor Vehicles and that the person did not decline to register to vote or submit to the ~~agency~~ Department a written form that meets the requirements of 42 U.S.C. § 1973gg-5(a)(6).

Sec. 10.5. NRS 293.3081 is hereby amended to read as follows:

293.3081 A person at a polling place may cast a provisional ballot in an election to vote for a candidate for federal office if the person complies with the applicable provisions of NRS 293.3082 and:

1. Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but his or her name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;

2. Applies by mail or computer, on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place;

3. Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time

established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election; or

4. Declares that he or she applied for ~~the issuance or renewal of a driver's license or identification card issued by the Department of Motor Vehicles~~ *or received services or assistance from a voter registration agency* and that the person did not decline to register to vote or submit to the ~~Department~~ *agency* a written form that meets the requirements of 42 U.S.C. § 1973gg-5(a)(6).

Sec. 11. NRS 293.3082 is hereby amended to read as follows:

293.3082 1. Before a person may cast a provisional ballot pursuant to NRS 293.3081, the person must complete a written affirmation on a form provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:

(a) The name of the person casting the provisional ballot;
(b) The reason for casting the provisional ballot;
(c) A statement in which the person casting the provisional ballot affirms under penalty of perjury, *as applicable*, that he or she ~~is~~ :

(1) *Is a registered voter in the jurisdiction and is eligible to vote in the election; or*

(2) *Applied for ~~for received services or assistance from a voter registration agency~~ the issuance or renewal of a driver's license or identification card issued by the Department of Motor Vehicles and that the person did not decline to register to vote or submit to the ~~agency~~ Department a written form that meets the requirements of 42 U.S.C. § 1973gg-5(a)(6);*

(d) The date and type of election;
(e) The signature of the person casting the provisional ballot;
(f) The signature of the election board officer;
(g) A unique affirmation identification number assigned to the person casting the provisional ballot;

(h) If the person is casting the provisional ballot pursuant to subsection 1 of NRS 293.3081:

(1) An indication by the person as to whether or not he or she provided the required identification at the time the person applied to register to vote;

(2) The address of the person as listed on the application to register to vote;

(3) Information concerning the place, manner and approximate date on which the person applied to register to vote;

(4) Any other information that the person believes may be useful in verifying that the person has registered to vote; and

(5) A statement informing the voter that if the voter does not provide identification at the time the voter casts the provisional ballot, the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted;

(i) If the person is casting the provisional ballot pursuant to subsection 2 of NRS 293.3081:

(1) The address of the person as listed on the application to register to vote;

(2) The voter registration number, if any, issued to the person; and

(3) A statement informing the voter that the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted; ~~and~~

(j) If the person is casting the provisional ballot pursuant to subsection 3 of NRS 293.3081, the voter registration number, if any, issued to the person ~~[-]~~; and

(k) *If the person is casting the provisional ballot pursuant to subsection 4 of NRS 293.3081:*

(1) ~~[The voter registration agency from whom the person applied for or received services or assistance;]~~ A statement that the person applied for the issuance or renewal of a driver's license or identification card issued by the Department of Motor Vehicles; and

(2) *Any other information that the person believes may be useful in verifying that the person applied for* ~~for received services or assistance from a voter registration agency;~~ the issuance or renewal of a driver's license or identification card issued by the Department.

2. After a person completes a written affirmation pursuant to subsection 1:

(a) The election board officer shall provide the person with a receipt that includes the unique affirmation identification number described in subsection 1 and that explains how the person may use the free access system established pursuant to NRS 293.3086 to ascertain whether the person's vote was counted, and, if the vote was not counted, the reason why the vote was not counted;

(b) The voter's name and applicable information must be entered into the roster in a manner which indicates that the voter cast a provisional ballot; and

(c) The election board officer shall issue a provisional ballot to the person to vote only for candidates for federal offices.

Sec. 11.5. NRS 293.3082 is hereby amended to read as follows:

293.3082 1. Before a person may cast a provisional ballot pursuant to NRS 293.3081, the person must complete a written affirmation on a form provided by an election board officer, as prescribed by the Secretary of State, at the polling place which includes:

(a) The name of the person casting the provisional ballot;

(b) The reason for casting the provisional ballot;

(c) A statement in which the person casting the provisional ballot affirms under penalty of perjury, as applicable, that he or she:

(1) Is a registered voter in the jurisdiction and is eligible to vote in the election; or

(2) Applied for ~~[the issuance or renewal of a driver's license or identification card issued by the Department of Motor Vehicles]~~ or received services or assistance from a voter registration agency and that the person did not decline to register to vote or submit to the ~~[Department]~~ agency a written form that meets the requirements of 42 U.S.C. § 1973gg-5(a)(6);

(d) The date and type of election;

(e) The signature of the person casting the provisional ballot;

(f) The signature of the election board officer;

(g) A unique affirmation identification number assigned to the person casting the provisional ballot;

(h) If the person is casting the provisional ballot pursuant to subsection 1 of NRS 293.3081:

(1) An indication by the person as to whether or not he or she provided the required identification at the time the person applied to register to vote;

(2) The address of the person as listed on the application to register to vote;

(3) Information concerning the place, manner and approximate date on which the person applied to register to vote;

(4) Any other information that the person believes may be useful in verifying that the person has registered to vote; and

(5) A statement informing the voter that if the voter does not provide identification at the time the voter casts the provisional ballot, the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted;

(i) If the person is casting the provisional ballot pursuant to subsection 2 of NRS 293.3081:

(1) The address of the person as listed on the application to register to vote;

(2) The voter registration number, if any, issued to the person; and

(3) A statement informing the voter that the required identification must be provided to the county or city clerk not later than 5 p.m. on the Friday following election day and that failure to do so will result in the provisional ballot not being counted;

(j) If the person is casting the provisional ballot pursuant to subsection 3 of NRS 293.3081, the voter registration number, if any, issued to the person; and

(k) If the person is casting the provisional ballot pursuant to subsection 4 of NRS 293.3081:

(1) ~~[A statement that the person applied for the issuance or renewal of a driver's license or identification card issued by the Department of Motor Vehicles.]~~ The name of the voter registration agency from which the person applied for or received services or assistance; and

(2) Any other information that the person believes may be useful in verifying that the person applied for ~~[the issuance or renewal of a driver's~~

~~license or identification card issued by the Department.] or received services or assistance from a voter registration agency.~~

2. After a person completes a written affirmation pursuant to subsection 1:

(a) The election board officer shall provide the person with a receipt that includes the unique affirmation identification number described in subsection 1 and that explains how the person may use the free access system established pursuant to NRS 293.3086 to ascertain whether the person's vote was counted, and, if the vote was not counted, the reason why the vote was not counted;

(b) The voter's name and applicable information must be entered into the roster in a manner which indicates that the voter cast a provisional ballot; and

(c) The election board officer shall issue a provisional ballot to the person to vote only for candidates for federal offices.

Sec. 12. NRS 293.3085 is hereby amended to read as follows:

293.3085 1. Following each election, a canvass of the provisional ballots cast in the election must be conducted pursuant to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.

2. The county and city clerk shall not:

(a) Include any provisional ballot in the unofficial results reported on election night; or

(b) Open any envelope containing a provisional ballot before 8 a.m. on the Wednesday following election day.

3. Except as otherwise provided in subsection 4, a provisional ballot must be counted if:

(a) The county or city clerk determines that the person who cast the provisional ballot was registered to vote in the election, eligible to vote in the election and issued the appropriate ballot for the address at which the person resides;

(b) A voter who failed to provide required identification at the polling place or with his or her mailed ballot provides the required identification to the county or city clerk not later than 5 p.m. on the Friday following election day; ~~for~~

(c) A court order has not been issued by 5 p.m. on the Friday following election day directing that provisional ballots cast pursuant to subsection 3 of NRS 293.3081 not be counted, and the provisional ballot was cast pursuant to subsection 3 of NRS 293.3081 ~~for~~; or

(d) ~~The county or city clerk determines that the person who cast the provisional ballot.~~

(1) ~~Applied for for received services or assistance from a voter registration agency.] the issuance or renewal of a driver's license or identification card issued by the Department of Motor Vehicles;~~

(2) ~~Did not decline to register to vote or submit to the [agency] Department a written form that meets the requirements of 42 U.S.C. § 1973gg-5(a)(6);~~

(3) *Except for not being a registered voter, is otherwise eligible to vote in the election; and*

(4) *Was issued the appropriate ballot for the address at which the person resides.*

4. A provisional ballot must not be counted if the county or city clerk determines that the person who cast the provisional ballot cast the wrong ballot for the address at which the person resides.

Sec. 12.5. NRS 293.3085 is hereby amended to read as follows:

293.3085 1. Following each election, a canvass of the provisional ballots cast in the election must be conducted pursuant to NRS 293.387 and, if appropriate, pursuant to NRS 293C.387.

2. The county and city clerk shall not:

(a) Include any provisional ballot in the unofficial results reported on election night; or

(b) Open any envelope containing a provisional ballot before 8 a.m. on the Wednesday following election day.

3. Except as otherwise provided in subsection 4, a provisional ballot must be counted if:

(a) The county or city clerk determines that the person who cast the provisional ballot was registered to vote in the election, eligible to vote in the election and issued the appropriate ballot for the address at which the person resides;

(b) A voter who failed to provide required identification at the polling place or with his or her mailed ballot provides the required identification to the county or city clerk not later than 5 p.m. on the Friday following election day;

(c) A court order has not been issued by 5 p.m. on the Friday following election day directing that provisional ballots cast pursuant to subsection 3 of NRS 293.3081 not be counted, and the provisional ballot was cast pursuant to subsection 3 of NRS 293.3081; or

(d) The county or city clerk determines that the person who cast the provisional ballot:

(1) ~~Applied for [the issuance or renewal of a driver's license or identification card issued by the Department of Motor Vehicles;]~~ or received services or assistance from a voter registration agency;

(2) Did not decline to register to vote or submit to the ~~[Department]~~ agency a written form that meets the requirements of 42 U.S.C. § 1973gg-5(a)(6);

(3) Except for not being a registered voter, is otherwise eligible to vote in the election; and

(4) Was issued the appropriate ballot for the address at which the person resides.

4. A provisional ballot must not be counted if the county or city clerk determines that the person who cast the provisional ballot cast the wrong ballot for the address at which the person resides.

Sec. 13. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; ~~and~~

(e) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286 ~~[-]~~;

(f) *A link to the system established pursuant to subsection 1 of NRS 293.506;*

(g) *A list of the dates on which registration closes for the next primary election, primary city election, general election, general city election and, if any, special election to be held; and*

(h) *A list of locations at which a person may register to vote in person.*

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 14. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place at which the registered voter is required to cast a ballot; ~~and~~

(b) The abstract of votes required pursuant to the provisions of NRS 293.388 ~~[-]~~;

(c) *A link to the system established pursuant to subsection 1 of NRS 293.506;*

(d) *A list of the dates on which registration closes for the next primary election, primary city election, general election, general city election and, if any, special election to be held; and*

(e) *A list of locations at which a person may register to vote.*

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 15. NRS 293.4695 is hereby amended to read as follows:

293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

(1) Any known reason for the malfunction;

(2) The length of time during which the mechanical voting system could not be used;

(3) Any remedy for the malfunction which was used at the time of the malfunction; and

(4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) The number of provisional ballots cast and the reason for the casting of each provisional ballot.

(h) The number of persons who have registered to vote in the county or who have updated their voter registration information through services provided by each voter registration agency pursuant to NRS 293.504 and the Department of Motor Vehicles pursuant to NRS 293.524 ~~or~~ or section 3.4 of this act.

(i) The number of persons who have attempted to register to vote in the county through services provided by each voter registration agency pursuant to NRS 293.504 and the Department of Motor Vehicles pursuant to NRS 293.524 or section 3.4 of this act and who have been determined to not be entitled to vote pursuant to this chapter.

(j) The number of persons who submitted to a voter registration agency a form that meets the requirements of 42 U.S.C. § 1973gg-5(a)(6).

(k) The number of persons who have submitted applications to register to vote or requests to correct or update registration information through the system established pursuant to subsection 1 of NRS 293.506.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature not sooner than 30 days before and not later than 30 days after the first day of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

Sec. 15.5. NRS 293.4695 is hereby amended to read as follows:

293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

(1) Any known reason for the malfunction;

(2) The length of time during which the mechanical voting system could not be used;

(3) Any remedy for the malfunction which was used at the time of the malfunction; and

(4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) The number of provisional ballots cast and the reason for the casting of each provisional ballot.

(h) The number of persons who have registered to vote in the county or who have updated their voter registration information through services provided by each voter registration agency pursuant to NRS 293.504 ~~and the Department of Motor Vehicles pursuant to NRS~~ or 293.524 or section 3.4 of this act.

(i) The number of persons who have attempted to register to vote in the county through services provided by each voter registration agency pursuant to NRS 293.504 ~~and the Department of Motor Vehicles pursuant to NRS~~ or 293.524 or section 3.4 of this act and who have been determined to not be entitled to vote pursuant to this chapter.

(j) The number of persons who submitted to a voter registration agency a form that meets the requirements of 42 U.S.C. § 1973gg-5(a)(6).

(k) The number of persons who have submitted applications to register to vote or requests to correct or update registration information through the system established pursuant to subsection 1 of NRS 293.506.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the

Legislature not sooner than 30 days before and not later than 30 days after the first day of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

Sec. 16. NRS 293.503 is hereby amended to read as follows:

293.503 1. The county clerk of each county where a registrar of voters has not been appointed pursuant to NRS 244.164:

(a) Is ex officio county registrar and registrar for all precincts within the county.

(b) Shall have the custody of all books, documents and papers pertaining to registration provided for in this chapter.

2. All books, documents and papers pertaining to registration are official records of the office of the county clerk.

3. The county clerk shall maintain records of any program or activity that is conducted within the county to ensure the accuracy and currency of the registrar of voters' register for not less than 2 years after creation. The records must include the names and addresses of any person to whom a notice is mailed pursuant to NRS 293.5235, 293.530, or 293.535 and whether the person responded to the notice.

4. Any program or activity that is conducted within the county for the purpose of removing the name of each person who is ineligible to vote in the county from the registrar of voters' register must be complete not later than 90 days before the next primary or general election.

5. Except as otherwise provided by ~~{subsection 6,}~~ *section 6 of this act*, all records maintained by the county clerk pursuant to subsection 3 must be available for public inspection.

~~{6. Except as otherwise provided in NRS 239.0115, any information relating to where a person registers to vote must remain confidential and is not available for public inspection. Such information may only be used by an election officer for purposes related to voter registration.}~~

Sec. 17. NRS 293.504 is hereby amended to read as follows:

293.504 1. ~~{The}~~ *Subject to the limitations set forth in subsection 6, the* following offices shall serve as voter registration agencies:

(a) ~~{Such offices}~~ *Each office that receives money from the State of Nevada to provide public assistance {as are designated by the Secretary of} to persons in this State;*

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable;

(f) Recruitment offices of the United States Armed Forces; ~~{and}~~

(g) *Housing authorities created pursuant to chapter 315 of NRS;*

(h) *The Department of Employment, Training and Rehabilitation;*
 (i) ~~[Subject to the limitations of subsection 12, the Department of Wildlife;~~
~~(j) Subject to the limitations of subsection 12, each]~~ *Each community college, state college and university within the Nevada System of Higher Education; ~~and~~*
 (j) *The Office of Veterans Services created pursuant to NRS 217.020; and*
 (k) *Such other offices as the Secretary of State deems appropriate. When determining whether to designate an office as a voter registration agency, the Secretary of State shall consider, without limitation:*

(1) *The likelihood that the office serves a large number of persons eligible to register to vote;*

(2) *The extent to which the office is likely to serve persons who, if the office were not designated as a voter registration agency, would not otherwise register to vote;*

(3) *The accuracy of personal identification information in the records of the office; and*

(4) *Any other factors deemed by the Secretary of State to be reasonably related to the purposes of this section.*

2. *Each voter registration agency shall:*

(a) ~~[Post]~~ *Except as otherwise provided in subsection 3, post in a conspicuous place, in at least 12-point type, instructions for registering to vote; ~~and~~*

(b) *Except as otherwise provided in subsection ~~[3,]~~ ~~subsections 9 and 12,~~ 4 and sections 3 to 3.11, inclusive, of this act, distribute applications to register to vote which may be returned by mail ~~for, if requested, provide access to an electronic application to register to vote]~~ with any application for services or assistance from the agency or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose ~~to~~;*

(c) *Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and*

(d) *Accept completed applications to register to vote.*

3. ~~[The Department of Wildlife shall post such instructions in a conspicuous place in all offices of the Department at which a person can apply in person for the issuance or renewal of a hunting or fishing license.]~~ *Each community college, state college and university within the Nevada System of Higher Education shall post ~~such~~ the instructions described in paragraph (a) of subsection 2 in a conspicuous place in all offices of the college or university at which students of the college or university can register in person for class. The Office of Veterans Services shall post such instructions in a conspicuous place in all offices of the Office of Veterans Services at which a person can apply in person for services or assistance relating to applications or claims for or receipt of veterans' benefits.*

~~4. [Except as otherwise provided in subsection 12, each voter registration agency shall follow the procedures described in subsections 5 to 11, inclusive, during its interactions with each person who applies for or receives services or assistance from the voter registration agency.]~~

~~5. Using language approved by the Secretary of State and before providing any services or assistance to the person, the voter registration agency shall notify each person described in subsection 4:~~

~~(a) Of the qualifications to vote in this State, as provided by NRS 293.485;~~

~~(b) That, at the request of the person, the voter registration agency will provide to the person an application to register to vote which may be returned by mail or turned in to the voter registration agency to be forwarded to the appropriate county clerk;~~

~~(c) That, at the request of the person, the voter registration agency will assist the person in completing a paper or an electronic application to register to vote;~~

~~(d) That, at the request of the person, the voter registration agency will transmit updated voter registration information of the person to the county clerk for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530; and~~

~~(e) Of the provisions of subsection 10.~~

~~6. If a person requests to submit to the voter registration agency an application to register to vote, the voter registration agency shall:~~

~~(a) Provide the same amount of assistance [to an applicant] [in completing] [an] [the application to register to vote as the voter registration agency provides to a person completing any other forms for the voter registration agency; and]~~

~~[(d)] [(b) Accept completed applications to register to vote.]~~

~~[3.] 7. If a person makes a request pursuant to paragraph (c) of subsection 5, the voter registration agency shall provide the same amount of assistance in completing a paper or an electronic application to register to vote as the voter registration agency provides to a person completing any other forms for the voter registration agency.~~

~~8. If a person makes a request pursuant to a paragraph (d) of subsection 5:~~

~~(a) The voter registration agency shall record the updated voter registration information of the person and shall transmit the information to the county clerk pursuant to a schedule prescribed by the Secretary of State; and~~

~~(b) The county clerk shall use the information to correct the statewide voter registration list pursuant to NRS 293.530.~~

~~9.~~ A voter registration agency is not required to provide an application to register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person declines to register to vote and

submits to the agency a written form that meets the requirements of 42 U.S.C. § 1973gg-5(a)(6). ~~[No information]~~

~~[10.]~~ Information related to the declination to register to vote may ~~for any other information provided pursuant to this section must~~ not be used for any purpose other than voter registration.

~~[4.]~~ ~~[11.]~~ 5. Except as otherwise provided in this subsection and NRS 293.524, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application to register to vote which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.

~~[5.]~~ ~~[12.]~~ 6. The provisions of ~~subsections 4 to 11, inclusive,~~ this section and sections 3 to 3.11, inclusive, of this act apply to:

(a) ~~The Department of Wildlife only when providing services or assistance to a person applying for the issuance or renewal of a hunting or fishing license; and~~ The Department of Employment, Training and Rehabilitation only when providing services or assistance relating to vocational rehabilitation.

(b) Community colleges, state colleges and universities of the Nevada System of Higher Education only when providing services or assistance to a person registering for one or more classes at a community college, state college or university.

~~[13.]~~ (c) The Office of Veterans Services only when providing services or assistance relating to applications or claims for or receipt of veterans' benefits.

(d) The Department of Motor Vehicles only when a person applies for the issuance or renewal of any type of driver's license or identification card issued by the Department.

(e) Any office of the Department of Health and Human Services that is open to the public only when a person is not applying for services from the Nevada Supplemental Nutrition Program for Women, Infants and Children or the Children's Health Insurance Program.

7. The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to register to vote at recruitment offices of the United States Armed Forces.

Sec. 18. NRS 293.5045 is hereby amended to read as follows:

293.5045 1. A person who works in a voter registration agency shall not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display a political preference or party allegiance in a place where it can be seen by an applicant;

(c) Make any statement or take any action to discourage an applicant from registering to vote; ~~or~~

(d) Make any statement or take any action which would lead the applicant to believe that a decision to register to vote has any effect on the availability of any services or benefits provided by the State or Federal Government ~~[-];~~
or

(e) *Harass or discriminate against any applicant on the basis:*

(1) *Of information submitted as part of his or her application to register to vote;*

(2) *That the applicant declines to register to vote.*

2. A person who violates any of the provisions of subsection 1 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. A voter registration agency shall not knowingly employ a person whose duties will include the registration of voters if the person has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a voter registration agency to collect a civil penalty of not more than \$5,000 for each person who is employed by the voter registration agency in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 19. NRS 293.506 is hereby amended to read as follows:

293.506 1. ~~{A county clerk may, with approval of the board of county commissioners,}~~ *The Secretary of State shall establish {a} on the Internet website of the Secretary of State a system for using a computer to register voters {and to keep records of registration.}*

~~2. A system established pursuant to subsection 1 must comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250.}~~ *and for providing information relating to voting to residents of this State.*

2. *The system established pursuant to subsection 1:*

(a) *Must allow any person to:*

(1) *Determine whether he or she is listed on the statewide voter registration list;*

(2) *Apply to register to vote pursuant to the provisions of this chapter;*
and

(3) *Determine the location of the polling place assigned to any given address in this State;*

(b) *Must allow each registered voter to:*

(1) *Review his or her registration information on the statewide voter registration list;*

(2) *Submit a confidential request to correct or update his or her registration information on the statewide voter registration list; and*

(3) *Determine the location of the polling place to which he or she has been assigned; and*

(c) *Must provide for any document to be sent directly:*

(1) From a registered voter or an applicant to register to vote to the appropriate county clerk; or

(2) From the applicant to the Secretary of State and subsequently forwarded to the appropriate county clerk.

3. Any electronic signature or a facsimile of a voter's signature that is created by a computer used to register to vote pursuant to the system established pursuant to subsection 1 may be used if a verification or comparison of the signature is required by any provision of this title.

4. If a person attempts to register to vote using the system established pursuant to subsection 1 after the date on which registration has closed for an election pursuant to NRS 293.560, the system must provide for the person to be notified that he or she is not registered to vote in that election.

5. If a person described in section 5 of this act attempts to preregister to vote using the system established pursuant to subsection 1, the system must inform the person that he or she will not be eligible to vote until on and after his or her 18th birthday.

6. A county clerk may, with the approval of the board of county commissioners, establish a system for using a computer to keep records of registration. Such a system must comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250.

Sec. 20. NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

(a) A standard form for applications to register to vote;

(b) A special form for ~~{registration to be used in a county where registrations are performed and records of registration are kept}~~ applications to register to vote submitted by computer; and

(c) ~~{An electronic form for applications to register to vote to be used by a person registering to vote at a voter registration agency pursuant to NRS 293.504 or section 3 of this act; and~~

~~(d)~~ A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to register to vote must include a:

(a) Unique control number assigned by the Secretary of State; and

(b) Receipt which:

(1) Includes a space for a person assisting an applicant in completing the form to enter the person's name; and

(2) May be retained by the applicant upon completion of the form.

4. The form for an application to register to vote must include:

(a) A line for use by the applicant to enter:

(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;

(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.

(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.

(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.

5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

Sec. 21. NRS 293.510 is hereby amended to read as follows:

293.510 1. ~~In counties where computers are not used to register voters, the~~ Each county clerk shall:

(a) ~~Segregate the [electronic] applications to register to vote [completed] forwarded to the county clerk from the Secretary of State pursuant to subsection 6 of NRS 293.504]~~ section 3.8 of this act and the applications to register to vote submitted by computer pursuant to NRS 293.506 in a computer file according to the precinct or district in which the registered voters reside ~~f.i.~~ and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order; and

(b) Segregate all other original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order.

2. The applications for each precinct or district must be kept in a separate binder which is marked with the number of the precinct or district. This binder constitutes the election board register.

~~[(b) Arrange]~~

3. *The county clerk shall arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.*

~~[2. In any county where a computer is used to register voters, the county clerk shall:~~

(a) ~~Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.~~

(b) ~~Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be placed in separate binders which are marked with the number of the precinct or district. These binders constitute the election board registers.~~

Sec. 22. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register to vote:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS ~~293.504 or~~ 293.524 or chapter 293D of NRS, ~~+~~ or section 3.2 of this act;

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237; or

(e) By submitting an application to register to vote by computer . ~~[, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.]~~

↪ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering the person. If the applicant registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. ~~[The]~~ Except as otherwise provided in sections 3 to 3.11, inclusive, of this act, the application to register to vote must be signed and verified under penalty of perjury by the elector registering. ~~[An electronic signature affixed to an application to register by computer satisfies the requirements of this subsection.]~~

3. Each elector who is or has been married must be registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

4. An elector who is registered and changes his or her name must complete a new application to register to vote. The elector may obtain a new application:

- (a) At the office of the county clerk or field registrar;
- (b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;
- (c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote;
- (d) At any voter registration agency; or
- (e) By submitting an application to register to vote by computer . ~~[, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.]~~

➡ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7 ~~[,] and section 3.8 of this act~~, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS 293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:

- (a) The name, address, political affiliation and precinct number of the voter;
- (b) The date of issuance; and
- (c) The signature of the county clerk.

7. If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that, except as otherwise provided in NRS 293D.210, the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

- (a) The application to register to vote of the elector is complete and, except as otherwise provided in NRS 293D.210, the elector is eligible to vote pursuant to NRS 293.485; and
- (b) The county clerk should proceed to process the application to register to vote.

➡ If the District Attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.

Sec. 23. 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 register to vote by mailing an application to register to vote to the county clerk of the county in which the person resides or may register to vote by computer. ~~[if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote.]~~ The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to 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 registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 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 registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that 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 registered or to have corrected the information in the 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 an application to register to vote by:

(a) Mail, which must be used to register to vote by mail in this State.

(b) Computer, which must be used to register to vote ~~in a county if the county clerk has established a system pursuant to NRS 293.506 for using a~~ by computer ~~[to register to vote.] in this State.~~

10. The application to 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 register to vote 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 registered to vote. Please retain the duplicate copy or receipt from your application to 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) 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 paragraph (b) or (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is 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 5 of NRS 293.518, the county clerk shall not 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 register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to 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 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. 24. NRS 293.524 is hereby amended to read as follows:

293.524 1. ~~[The]~~ Except as otherwise provided in this section, the Department of Motor Vehicles shall provide

~~(a) Provide an~~ a paper application to register to vote to each person who ~~[applies]~~ :

(a) Applies for the issuance or renewal of any type of driver's license or identification card issued by the Department ~~[;]~~ ; and

(b) [Post in a conspicuous place in all offices of the Department, in at least 12 point type, instructions for registering to vote.] Does not register to vote pursuant to section 3.2 of this act.

2. The county clerk shall use the paper applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. ~~[An]~~ A paper application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of ~~[an]~~ a paper application. The authorized employee shall ~~[provide the same amount of assistance in completing an application as the employee provides to a person completing any other form for the Department.]~~ check the paper application for completeness and verify the information required by the paper application. Each paper application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each paper application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The paper applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. *The Department is not required to provide ~~form~~ a paper application to register to vote pursuant to subsection 1 to a person if the person declines to register to vote pursuant to this section and submits to the ~~agency~~ Department a written form that meets the requirements of 42 U.S.C. § 1973gg-5(a)(6). Information related to the declination to register to vote must not be used for any purpose other than voter registration.*

5. The county clerk shall accept any paper application to register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the paper application not later than 5 days after that date. Upon receipt of ~~form~~ a paper application, the county clerk or field registrar of voters shall determine whether the paper application is complete. If the county clerk or field registrar of voters determines that the paper application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the paper application. If the county clerk or field registrar of voters determines that the paper application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the paper application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete paper application is void. Any notification required by this subsection must be given by mail at the mailing address on the paper application not more than 7 working days after the determination is made concerning whether the paper application is complete.

~~{5-}~~ ~~{6-}~~ The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for paper applications to register to vote.

~~{6-}~~ 7. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

~~{7-}~~ 8. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the election board registers and registrar of voters' register.

Sec. 24.5. NRS 293.524 is hereby amended to read as follows:

293.524 1. Except as otherwise provided in this section, ~~the Department of Motor Vehicles~~ a voter registration agency shall provide a paper application to register to vote to each person who:

(a) Applies for ~~the issuance or renewal of any type of driver's license or identification card issued by the Department; and~~ or receives services or assistance from the agency; and

(b) Does not register to vote pursuant to section 3.2 of this act.

2. The county clerk shall use the paper applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. A paper application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of a paper application. The authorized employee shall check the paper application for completeness and verify the information required by the paper application. Each paper application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each paper application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The paper applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election.

4. The ~~Department~~ voter registration agency is not required to provide a paper application to register to vote pursuant to subsection 1 to a person if the person declines to register to vote pursuant to this section and submits to the ~~Department~~ agency a written form that meets the requirements of 42 U.S.C. § 1973gg-5(a)(6). Information related to the declination to register to vote must not be used for any purpose other than voter registration.

5. The county clerk shall accept any paper application to register to vote which is obtained from the ~~Department of Motor Vehicles~~ pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the paper application not later than 5 days after that date. Upon receipt of a paper application, the county clerk or field registrar of voters shall determine whether the paper application is complete. If the county clerk or field registrar of voters determines that the paper application is complete, he or she shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the paper application. If the county clerk or field registrar of voters determines that the paper application

is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be registered as of the date of the initial submission of the paper application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete paper application is void. Any notification required by this subsection must be given by mail at the mailing address on the paper application not more than 7 working days after the determination is made concerning whether the paper application is complete.

6. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for paper applications to register to vote.

7. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

8. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the Department to the appropriate county clerk for inclusion in the election board registers and registrar of voters' register.

Sec. 25. NRS 293.525 is hereby amended to read as follows:

293.525 1. ~~[Any]~~ Notwithstanding the provisions of subsection 1 of NRS 293.3081, an elector who is presently registered and has changed residence ~~within the State~~ within a county after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 ~~[who moved:~~

~~(a) From one precinct to another or from one congressional district to another within the same county must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.~~

~~(b) Within the same precinct] must be allowed to vote after providing an oral or written affirmation [before an election board officer] attesting to his~~

or her new address ~~[]~~ *at the precinct or the office of the county clerk in the county where the elector resides.*

2. Any elector who is presently registered and has changed residency within the State but not within a county after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 must be allowed to vote a provisional ballot pursuant to the provisions of NRS 293.3081 to 293.3086, inclusive.

3. If a provisional ballot cast by an elector described in subsection 2 is counted by a county or city clerk pursuant to paragraph (a) of subsection 3 of NRS 293.3085, the county or city clerk shall electronically enter into the statewide voter registration list pursuant to paragraph (a) of subsection 3 of NRS 293.675 the address of the elector, as provided in the affirmation completed by the elector pursuant to NRS 293.3082.

4. If an elector alleges that the records in the registrar of voters' register or the election board register incorrectly indicate that the elector has changed residence, the elector must be permitted to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

~~[3.] If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the county in the manner set forth in NRS 293.304.~~

~~4.]~~ *5. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information in the registrar of voters' register and the election board register.*

Sec. 26. NRS 293.530 is hereby amended to read as follows:

293.530 Except as otherwise provided in NRS 293.541:

1. County clerks may use any reliable and reasonable means available to correct the portions of the statewide voter registration list which are relevant to the county clerks and to determine whether a registered voter's current residence is other than that indicated on the voter's application to register to vote.

2. A county clerk may, with the consent of the board of county commissioners, make investigations of registration in the county by census, by house-to-house canvass or by any other method.

3. A county clerk shall cancel the registration of a voter pursuant to this section if:

(a) The county clerk mails a written notice to the voter which the United States Postal Service is required to forward;

(b) The county clerk mails a return postcard with the notice which has a place for the voter to write his or her new address, is addressed to the county clerk and has postage guaranteed;

(c) The voter does not respond; and

(d) The voter does not appear to vote in an election before the polls have closed in the second general election following the date of the notice.

4. For the purposes of this section, the date of the notice is deemed to be 3 days after it is mailed.

5. The county clerk shall maintain records of:

(a) Any notice mailed pursuant to subsection 3;

(b) Any response to such notice; and

(c) Whether a person to whom a notice is mailed appears to vote in an election,

➔ for not less than 2 years after creation.

6. The county clerk shall use any postcards which are returned to correct the portions of the statewide voter registration list which are relevant to the county clerk.

7. If a voter fails to return the postcard mailed pursuant to subsection 3 within 30 days, the county clerk shall designate the voter as inactive on the voter's application to register to vote.

8. The Secretary of State shall adopt regulations to prescribe the method for maintaining a list of voters who have been designated as inactive pursuant to subsection 7.

9. If:

(a) *The name of a voter is added to the statewide voter registration list after the voter ~~completes an electronic application~~ registers to vote pursuant to ~~NRS 293.504,~~ section 3.4 of this act; or*

(b) *The registration information of a voter whose name is on the statewide voter registration list is updated after the voter ~~provides updated information to a voter registration agency~~ applies to register to vote pursuant to ~~NRS 293.504,~~ section 3.4 of this act.*

➔ *the county clerk shall provide written notice of the addition or change to the voter not later than 2 business days after the addition or change is made. Except as otherwise provided in this subsection, the notice must be mailed to the current residence of the voter. The county clerk may send the notice by electronic mail if the voter confirms the validity of the electronic mail address to which the notice will be sent by responding to a confirmation inquiry sent to that electronic mail address. Such a confirmation inquiry must be sent for each notice sent pursuant to this section.*

Sec. 27. NRS 293.5303 is hereby amended to read as follows:

293.5303 In addition to the methods described in NRS 293.530, the county clerk in each county may enter into an agreement with ~~the~~ :

1. *The United States Postal Service or any person authorized by it to obtain the data compiled by the United States Postal Service concerning changes of addresses of its postal patrons ; or*

2. *Any office designated as a voter registration agency pursuant to NRS 293.504, or any federal agency with which the Secretary of State has entered into an agreement pursuant to section 4 of this act, to obtain any data compiled by the office or federal agency concerning changes of addresses of persons to whom the office or federal agency provides services or assistance,*

➡ for use by the county clerk to correct the portions of the statewide voter registration list relevant to the county clerk.

Sec. 28. NRS 293.5307 is hereby amended to read as follows:

293.5307 1. If

~~1. Subject to the provisions of subsection 3, if~~ a county clerk enters into an agreement pursuant to NRS 293.5303, the county clerk shall review each notice of a change of address filed with the United States Postal Service by a resident of the county *and any data on residents of the county provided by a federal agency pursuant to subsection 2 of NRS 293.5303* and identify each resident who is a registered voter and has moved to a new address.

2. *A county clerk may review the address listed on each affirmation provided with a provisional ballot pursuant to NRS 293.3082 and identify each resident of the county who cast a provisional ballot, is a registered voter and has moved to a new address.*

3. Before removing or correcting information in the statewide voter registration list, the county clerk shall mail a notice to each such registered voter and follow the procedures set forth in NRS 293.530.

Sec. 28.5. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain an official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

2. The statewide voter registration list must:

- (a) Be a uniform, centralized and interactive computerized list;
- (b) Serve as the single method for storing and managing the official list of registered voters in this State;
- (c) Serve as the official list of registered voters for the conduct of all elections in this State;
- (d) Contain the name and registration information of every legally registered voter in this State;
- (e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;
- (f) Except as otherwise provided in subsection 6, be coordinated with the appropriate databases of other agencies in this State;
- (g) Be electronically accessible to each state and local election official in this State at all times;
- (h) Except as otherwise provided in subsection 7, allow for data to be shared with other states under certain circumstances; and
- (i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

- (a) Electronically enter into the statewide voter registration list all information related to voter registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and
- (b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested

by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

4. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

5. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 42 U.S.C. § 15483, to verify the accuracy of information in an application to register to vote.

6. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

7. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

8. A person may not use or attempt to use the statewide voter registration list to determine the citizenship of a person or for any purpose other than to register a person to vote or administer and enforce the provisions of this title. No information relating to the absence on the statewide voter registration list of information relating to a person may be used for any purpose other than to administer and enforce the provisions of this title.

Sec. 29. NRS 293.800 is hereby amended to read as follows:

293.800 1. A person who, for himself, herself or another person, willfully gives a false answer or answers to questions propounded to the person by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies the application in any particular, or who violates any of the provisions of the election laws of this State or knowingly encourages another person to violate those laws is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his or her duty or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this

State, except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. If the person is a public officer, his or her office is forfeited upon conviction of any offense provided for in subsection 2.

4. A person who causes or endeavors to cause his or her name to be registered, knowing that he or she is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he or she causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category E felony and shall be punished as provided in NRS 193.130. ~~The provisions of this subsection do not apply to a person who preregisters to vote pursuant to section 5 of this act.~~

5. A field registrar or other person who provides to an elector an application to register to vote and who:

(a) Knowingly falsifies the application or knowingly causes an application to be falsified;

(b) Knowingly provides money or other compensation to another for a falsified application; or

(c) Intentionally fails to submit to the county clerk a completed application,

↪ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

~~6. No person may be held liable for the incorrect inclusion of his or her name on the statewide voter registration list unless the person knowingly and willfully makes a false statement for the purpose of effectuating or perpetuating a fraudulent voter registration. An error in the statewide voter registration list does not constitute a fraudulent or false claim to citizenship. [for any information that is included in an application to register to vote.]~~

Sec. 29.2. NRS 483.290 is hereby amended to read as follows:

483.290 1. Every 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 name, date of birth, sex and residence address 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. Except as otherwise provided in subsections 5, 6 and 7, every applicant must furnish proof of his or her name and age by displaying an original or certified copy of at least one of the following documents:

(a) If the applicant was born in the United States, including, without limitation, the District of Columbia or any territory of the United States:

(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;

(2) A driver's license issued by another state, the District of Columbia or any territory of the United States;

(3) A passport issued by the United States Government;

(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;

(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;

(6) A Certificate of Degree of Indian Blood issued by the United States Government; or

(7) Such other documentation as specified by the Department by regulation; or

(b) If the applicant was born outside the United States:

(1) 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;

(2) A Consular Report of Birth Abroad issued by the Department of State;

(3) A driver's license issued by another state, the District of Columbia or any territory of the United States;

(4) A passport issued by the United States Government; or

(5) Any other proof acceptable to the Department other than a passport issued by a foreign government.

3. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524 ~~or~~ or section 3.4 of this act.

4. 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.

5. 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.

6. With respect to any document described in paragraph (b) of subsection 2, the Department may:

(a) 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) If the document specifies a date by which the person presenting the document must depart from the United States, issue to the person presenting the document a driver's license that expires on the date on which the person is required to depart from the United States.

7. 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 a foreign country. The criteria must be based upon the purpose for which that person is present within the United States.

8. 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. 29.4. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include:

(a) The applicant's:

(1) Name.

(2) Social security number, if any.

(3) Date of birth.

(4) State of legal residence.

(5) Current address in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. At the time of applying for an identification card, an applicant may, if eligible, register to vote pursuant to NRS 293.524 ~~or~~ or section 3.4 of this act.

4. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.

Sec. 29.6. Section 3 of this act is hereby amended to read as follows:

1. The Secretary of State, ~~[the Department of Motor Vehicles]~~ each voter registration agency and each county clerk shall cooperatively establish a system by which voter registration information that is collected pursuant to section 3.4 of this act by ~~[the Department]~~ a voter registration agency from a person who applies for ~~[the issuance or renewal of any type of driver's license or identification card issued by the Department]~~ or receives services or assistance from the agency may be transmitted electronically to the Secretary of State for the purposes of registering the person to vote or correcting the statewide voter registration list pursuant to NRS 293.530.

2. The system established pursuant to subsection 1 must be designed to:

(a) Ensure the secure electronic storage of information collected pursuant to section 3.4 of this act, the secure transmission of such information to the Secretary of State and county clerks and the secure electronic storage of such information by the Secretary of State and county clerks;

(b) Provide for the destruction of records by the ~~[Department]~~ agency as required by subsection 2 of section 3.6 of this act; and

(c) Enable the Secretary of State to receive, view and collate the information into individual electronic documents pursuant to subsection 1 of section 3.8 of this act.

Sec. 29.8. Section 3.2 of this act is hereby amended to read as follows:

1. ~~[The Department of Motor Vehicles]~~ Each voter registration agency shall follow the procedures described in this section and sections 3.4 and 3.6 of this act if a person applies, ~~[,]~~ for or receives, in person at an office of the ~~[Department, for the issuance or renewal of any type of driver's license or identification card issued by the Department]~~ agency, services or assistance from the agency.

2. Using language approved by the Secretary of State and before concluding the person's transaction with the ~~[Department]~~ agency, the ~~[Department]~~ agency shall notify each person described in subsection 1:

(a) Of the qualifications to vote in this State, as provided by NRS 293.485;

(b) That, if the person consents, the ~~[Department]~~ agency will transmit to the Secretary of State all information required to register the person to vote pursuant to this chapter or to update the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530;

(c) That providing information to be used to register the person to vote or to update the voter registration information of the person is voluntary;

(d) That:

(1) Indicating a political party affiliation or indicating that the person is not affiliated with a political party is voluntary;

(2) The person may indicate a political party affiliation on a paper form; and

(3) A person who consents to the transmission of information and who does not indicate a major political party affiliation will not be able to vote at a primary election or primary city election for candidates for partisan office of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation; and

(e) Of the provisions of subsections 2 and 3 of section 3.11 of this act.

Sec. 29.11. Section 3.4 of this act is hereby amended to read as follows:

1. After notifying a person pursuant to subsection 2 of section 3.2 of this act, the ~~[Department of Motor Vehicles]~~ voter registration agency shall ask the person if he or she consents to the transmission of information required to register the person to vote or to update his or her voter registration information.

2. If a person consents to the transmission of information required to register the person to vote or to update his or her voter registration information, the ~~[Department]~~ voter registration agency shall collect from the person:

(a) A signed affirmation that the person is eligible to vote;

(b) An electronic facsimile of the signature of the person, if the ~~[Department]~~ agency is capable of recording, storing and transmitting to the county clerk an electronic facsimile of the signature of the person;

(c) Any personal information which the person has not already provided to the ~~[Department]~~ agency and which is required for the person to register to vote or to update the voter registration information of the person, including:

(1) The first or given name and the surname of the person;

(2) The address at which the voter actually resides, as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;

(3) The date of birth of the person;

(4) Subject to the provisions of subsection 3, one of the following:

(I) The number indicated on the person's current and valid driver's license issued by the Department ~~[of Motor Vehicles]~~, if the person has such a driver's license; or

(II) The last four digits of the person's social security number, if the person does not have a driver's license issued by the Department of Motor Vehicles and has a social security number; and

(5) The political party affiliation, if any, indicated by the person; and

(d) The paper form, if any, completed by the person and indicating his or her political party affiliation.

3. If the person does not have the identification set forth in subparagraph (4) of paragraph (c) of subsection 2, the person must sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department *of Motor Vehicles* or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the person which must be the same number as the unique identifier assigned to the person for purposes of the statewide voter registration list.

Sec. 29.12. Section 3.6 of this act is hereby amended to read as follows:

1. ~~The Department of Motor Vehicles~~ *Each voter registration agency* shall electronically transmit to the Secretary of State the information collected from a person pursuant to paragraph (c) of subsection 2 of section 3.4 of this act, confirmation that the person signed the affirmation described in paragraph (a) of subsection 2 of section 3.4 of this act and, if possible, the electronic facsimile of the signature of the person collected pursuant to paragraph (b) of subsection 2 of section 3.4 of this act:

(a) Except as otherwise provided in paragraph (b), not later than 5 days after collecting the information; and

(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 day after collecting the information.

2. The ~~Department~~ *agency* shall destroy any record with information collected pursuant to section 3.4 of this act that is not otherwise collected by the ~~Department~~ *agency* in the normal course of business immediately after transmitting information to the Secretary of State pursuant to subsection 1.

3. The ~~Department~~ *agency* shall forward the following documents to the Secretary of State pursuant to a schedule prescribed by the Secretary of State:

(a) Each affirmation signed pursuant to paragraph (a) of subsection 2 of section 3.4 of this act;

(b) Any completed paper form indicating a political party affiliation collected pursuant to paragraph (d) of subsection 2 of section 3.4 of this act; and

(c) Any affidavit signed pursuant to subsection 3 of section 3.4 of this act.

Sec. 29.13. Section 3.8 of this act is hereby amended to read as follows:

1. If a person consents pursuant to section 3.4 of this act to the transmission of information required to register the person to vote or to update his or her voter registration information:

- (a) The person shall be deemed an applicant to register to vote;
- (b) Any act by the person pursuant to section 3.4 of this act shall be deemed an act of applying to register to vote;
- (c) Upon receipt of the information collected from the person and transmitted by ~~the Department of Motor Vehicles,~~ a voter registration agency, the Secretary of State shall collate the information into an individual electronic document, which shall be deemed an application to register to vote; and
- (d) Unless the applicant is already registered to vote, the date on which the person applies to register to vote pursuant to section 3.4 of this act shall be deemed the date on which the applicant is registered to vote.

2. Except as otherwise provided in subsection 5, the Secretary of State shall:

- (a) Electronically transmit each application to register to vote to the appropriate county clerk; and
- (b) Forward to the county clerk any document that was forwarded to the Secretary of State pursuant to subsection 3 of section 3.6 of this act.

3. If the county clerk determines that the application is complete and that the applicant is eligible to vote pursuant to NRS 293.485, the name of the applicant must appear on the statewide voter registration list and the appropriate election board register, and the person must be provided all sample ballots and any other voter information provided to registered voters.

4. For each applicant who applies to register to vote pursuant to section 3.4 of this act:

- (a) The electronic facsimile of the signature of the applicant shall be deemed to be the facsimile of the signature to be used for the comparison purposes of NRS 293.277 if:

- (1) An electronic facsimile of the signature has been collected and transmitted to the Secretary of State pursuant to sections 3.4 and 3.6, respectively, of this act;

- (2) The county clerk of the county in which the applicant resides is capable of receiving, storing and using the facsimile of the signature for that purpose; and

- (3) The Secretary of State has transmitted the electronic facsimile of the signature to the appropriate county clerk; and

- (b) If the conditions described in paragraph (a) are not met, the signature of the applicant on the affirmation signed pursuant to paragraph (a) of subsection 2 of section 3.4 of this act shall be deemed to be the signature on the person's original application to vote for the purposes of making a facsimile thereof to be used for the comparison purposes of NRS 293.277.

5. If an applicant is already registered to vote, the Secretary of State shall use the voter registration information of the applicant received pursuant to this section to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

Sec. 29.15. Section 3.11 of this act is hereby amended to read as follows:

1. A person who does not consent to the electronic transmission of information pursuant to this section may apply to register to vote at the ~~[Department of Motor Vehicles]~~ voter registration agency pursuant to NRS 293.524.

2. Whether a person registers to vote pursuant to section 3.4 of this act may not affect the provision of services or assistance to the person by the ~~[Department]~~ agency, and the fact of a person registering to vote pursuant to section 3.4 of this act or declining to do so may not be disclosed to the public.

3. Any information collected pursuant to sections 3 to 3.11, inclusive, of this act may not be used for any purpose other than voter registration.

4. The Secretary of State shall adopt regulations necessary to carry out the provisions of sections 3 to 3.11, inclusive, of this act.

Sec. 30. ~~[NRS 293.1273 is hereby repealed.] (Deleted by amendment.)~~

Sec. 31. 1. This ~~act becomes~~ section and sections 1 to 9, inclusive, 10, 11, 12, 13, 14, 15, 16, 18 to 24, inclusive, 25 to 29.4, inclusive, and 30 of this act become effective.~~†~~

~~1. Upon~~ upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act ~~†~~ and ~~†~~

~~2. On June~~ on July 1, 2014, for all other purposes.

2. Sections 9.5, 10.5, 11.5, 12.5, 15.5, 17, 24.5 and 29.6 to 29.15, inclusive, of this act become effective upon passage and approval for the purposes of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2015, for all other purposes.

~~TEXT OF REPEALED SECTION~~

~~293.1273 Facsimile of signature created by computer to verify or compare signature. In any county where registrations are performed and records are kept by computer, a facsimile of a voter's signature that is created by a computer may be used if a verification or comparison of the signature is required by any provision of this title.~~

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Thank you, Mr. President. Amendment No. 330 to Senate Bill No. 375 relates to voter registration.

Amendment adopted.

Senator Smith moved that Senate Bill No. 375 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Senate Bill No. 383.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 219.

"SUMMARY—Revises provisions governing time shares. (BDR 10-916)"

"AN ACT relating to time shares; requiring developers of time shares to disclose certain information to purchasers; requiring developers to provide the Real Estate Division of the Department of Business and Industry with certain information; revising provisions concerning the renewal of a permit to sell a time share; requiring certain persons to notify the Real Estate Division of certain convictions; authorizing the Real Estate Commission to take certain actions against certain people in certain circumstances; prohibiting certain people from working in certain time-share related professions without a proper license; making various other changes relating to time shares; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits a developer from offering to sell a time share without first obtaining a permit. (NRS 119A.270) Existing law requires that the Administrator of the Real Estate Division of the Department of Business and Industry issue a permit and a public offering statement to a developer who submits certain information to the Division. (NRS 119A.300) Section 4 of this bill requires that a developer submit a ~~draft~~ sample public offering statement to the Division. Section 4 also sets forth the information that must be included in a ~~draft~~ sample public offering statement. Sections 5 and 6 of this bill require a developer to provide each purchaser and ~~managing~~ sales and marketing entity of a time share with a copy of an approved public offering statement and certain other information. Sections 8-13 of this bill revise certain definitions concerning time shares. Section 14 of this bill revises provisions concerning the applicability of the provisions governing time shares in certain circumstances.

Existing law prohibits a provisional sales agent from conducting sales-related activities unless certain circumstances apply. (NRS 119A.237) Section 15 of this bill authorizes a provisional licensee to conduct sales-related activities if he or she is under the supervision of certain persons. Existing law provides that the Administrator of the Division is required to issue to a developer a public offering statement and a permit to sell time shares if certain requirements are satisfied. (NRS 119A.300) Section 16 of this bill adds certain items to the list of requirements such a developer must

satisfy. Section ~~[16 also]~~ 6.5 of this bill provides certain requirements that apply to a time-share plan that is located outside of this State.

Existing law requires the Division to issue an order within 30 days after receiving an application for a permit to sell a time share. (NRS 119A.320) Section 18 of this bill permits the Division 60 days to issue such an order ~~[if it is a time-share plan containing only one component site, or 120 days if it contains more than one component site]~~. Section 18 also requires the Division to notify the applicant of its decision to issue a public offering statement and permit to sell time shares.

Existing law requires that a permit to sell a time share be renewed on an annual basis. (NRS 119A.355) Section 19 of this bill requires the Division to renew the permit of an applicant within ~~[45]~~ 30 days after receiving evidence that any deficiencies in the renewal application have been cured. Existing law requires certain persons to notify the Division of any criminal convictions or guilty pleas. (NRS 119A.357) Section 20 of this bill adds certain other persons to the list of persons required to notify the Division of such convictions or pleas. Existing law requires that certain information be included in a reservation to purchase a time share. (NRS 119A.390) Section 21 of this bill provides that a reservation to purchase a time share is required to provide for the placement of a deposit in escrow until the public offering statement is approved and a permit to sell is issued.

Existing law requires a board of an association of time-share owners to conduct a study, through a qualified person, of the reserves required to repair the major components of the time-share plan, and to review the results of the study. (NRS 119A.542) Section 24 of this bill places this requirement on a developer as well as on the board of an association. Existing law authorizes the Real Estate Commission to take certain action against a project broker who fails to adequately supervise certain persons. (NRS 119A.670) Section 25 of this bill authorizes the Real Estate Commission to take the same actions against certain other persons. Existing law prohibits any person from working as a project manager without first obtaining the appropriate license from the Division. (NRS 119A.680) Section 26 of this bill prohibits any person from performing certain work without first obtaining the appropriate license from the Division.

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

Section 1. Chapter 119A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[6,]~~ 6.5, inclusive, of this act.

Sec. 2. *"Component site" means a specific geographic location where ~~[accommodations] units [that are part of a multi site time share plan]~~ are located. The term ~~[does not include separate phases of a time share property in a specific geographic location under common management]~~ includes new units added to a single project in the same specific geographic location and under common management.*

Sec. 3. ~~["Managing"]~~ "Sales and marketing entity" means an entity hired by a developer to manage the sale or marketing of a time share.

Sec. 4. 1. ~~Before offering any time share plan for sale, the~~ The developer shall file a ~~draft~~ sample public offering statement with the Division for approval as prescribed in NRS 119A.300.

2. ~~The Division shall, upon receiving a draft public offering statement from the developer, deliver an acknowledgment of receipt to any mailing or electronic mail address the developer designates. Failure of the Division to deliver such acknowledgment does not relieve the developer from the duty of complying with this section.~~

~~3.~~ If the Division determines that the ~~draft~~ sample public offering statement submitted by the developer is deficient, the Division shall ~~include with the acknowledgment delivered pursuant to subsection 2~~ issue to the developer by mail or electronic mail a notice of deficiency. The developer may revise and resubmit the ~~draft~~ sample public offering statement within 30 days after receiving the Division's notice of deficiency. Within 30 days after receipt of the revised ~~draft~~ sample public offering statement, the Division shall notify the developer by mail or electronic mail whether the Division has approved the revised ~~draft~~. If the revised draft is rejected, a new filing fee pursuant to NRS 119A.360 will apply to any additional filing. sample public offering statement. If the developer fails to correct the cited deficiencies within 30 days after receiving the Division's notice of deficiency, the Division may reject the developer's application. Subsequent to such a rejection, a new filing fee pursuant to NRS 119A.360 will apply to any additional filing.

~~4.~~ 3. Any material change to an approved public offering statement must be filed with the Division for approval as an amendment before the change becomes effective. Within 45 days after receipt of the developer's amendment, the Division shall notify the developer by mail or electronic mail whether the Division has approved the amendment. If the developer fails to adequately respond to any notice of deficiency within 30 days, the Division may reject the amendment. Subsequent to such a rejection, a new filing fee pursuant to NRS 119A.360 will apply to any refiling or further review of the rejected amendment.

~~5.~~ 4. The ~~draft~~ sample public offering statement must include the following disclosures in substantially the following form, in ~~conspicuous~~ at least 12-point bold type:

This Public Offering Statement is issued to provide you with basic and relevant information on a specific time-share offering. The Developer or Owner of the offering that is the subject of this Public Offering Statement has provided certain information and documentation to the Real Estate Division of the Department of Business and Industry (the "Division") that has enabled the Division to issue this Public Offering Statement.

The statements contained in this Public Offering Statement are only summary in nature. A prospective purchaser should review all references, accompanying exhibits, contract documents and sales materials. You should not rely upon oral representations as being correct. Refer to this document and any accompanying exhibits for correct representations. ~~{The Seller is prohibited from making any representations other than those}~~ A prospective purchaser should only rely on the representations contained in the contract and this Public Offering Statement.

While the Division makes every effort to confirm the information provided and to ensure that the offering will be developed, managed and operated as planned, there is no guarantee this will always be the case. The Division cannot and does not make any promise or guarantee as to the viability or continuance of the offering or the financial future of the offering or any plan, club or association affiliated therewith.

The information included in this Public Offering Statement is applicable as of the date of issuance. Expenses of operation are difficult to predict accurately and even if accurately estimated initially, most expenses increase with the age of facilities and with increases in the cost of living.

The Division strongly suggests that before executing an agreement or contract, you read all of the documentation and information provided to you and seek additional ~~feounseling}~~ assistance if necessary to assure that you understand all aspects of the offering and are aware of any potential adverse circumstances that could result from a time-share purchase in this Offering.

The purchaser of a time share may cancel, by written notice, the contract of sale until midnight of the fifth calendar day following the date of execution of the contract. The right of cancellation may not be waived. Any attempt by the Developer to obtain a waiver results in a contract which is voidable by the purchaser. The notice of cancellation may be delivered personally to the Developer or sent by certified mail, return receipt requested, or by providing notice by express, priority or standard overnight common carrier delivery service, with proof of service to the business address of the Developer. The Developer must, within ~~{with}~~ 20 days after receipt of the notice of cancellation, return all payments made by the Purchaser.

~~{Be aware that:~~

~~The future value of a time share interest is very uncertain; do not count on appreciation. The purchase of a time share interest should be based upon its value as a vacation experience or for spending leisure time, and not considered for purposes of acquiring an appreciating investment or with an expectation that the time share interest may be resold.~~

~~Resale of your time share interest may be subject to the Developer's restrictions, such as limitations on the posting of signs, limitations on the rights of other parties to enter the project unaccompanied, membership prerequisites or approval requirements, or the Developer's first right of refusal. You should check your contract for such restrictions and also note whether your purchase contract or note, or any other obligation, would affect your right to sell your time share interest.~~

~~You should consider the competition which you may experience from the Developer in attempting to resell your time share interest and the possibility that real estate brokers may not be interested in listing your time share interest or unit.~~

~~You may be required to pay the full amount of your obligation to a bank or other third party to whom the Developer may assign your contract or note, even though the Developer may have failed to fulfill promises he or she has made.~~

~~You should be aware that if you default on the terms of the purchase agreement it could result in notification to a credit reporting agency which may adversely affect your credit standing.~~

~~Prospective purchasers of time share resorts are advised not to purchase a time share interest for the primary or sole purpose of utilizing exchange company benefits. There is no guaranty or warranty that the benefits you want will be satisfied, nor is there any guaranty the exchange affiliation with this (or any other resort) will continue.~~

~~You are urged to visit and inspect the Project before entering into an agreement to purchase. You should determine for yourself that the property meets your personal requirements and expectations. Misunderstandings more easily arise as to the desirability of the property when this is not done.~~

~~The Developer may have limited your resale rights. Any future purchaser (other than a transfer to an immediate family member or as the result of death or divorce) who buys your time share interest from you will have severely limited opportunities to reserve occupancy in this time share plan.~~

~~This project includes common areas and common facilities which will be operated by an incorporated owners' association. The association has the right to levy assessments against you for maintenance of the common areas. Your control of operations and expenses is limited to your vote at meetings.~~

~~Before the execution of the purchase agreement, the Developer should provide you with a copy of the articles of incorporation, restrictions and bylaws. These documents contain numerous material provisions which substantially affect and control your rights, privileges, use, obligations, and cost of maintenance and operation. You should read~~

~~and understand these documents before you obligate yourself to purchase a time share interest.~~

~~6. The Division may accept an alternate form of a time share disclosure statement pursuant to an agreement with another state. At a minimum, the alternate form of a time share disclosure statement must contain provisions substantially similar to this section.~~

~~7.1~~ 5. The ~~draft~~ sample public offering statement must include, without limitation, the following information ~~and~~ in a form prescribed by the Division:

(a) A brief history of the developer's business background, experience in real estate and regulatory history.

(b) A description of any judgment against the developer or ~~managing~~ sales and marketing entity.

(c) The status of any pending proceeding to which the developer or ~~managing~~ sales and marketing entity is a party. If no judgments or pending proceedings exist, there must be a statement of such fact.

(d) The name and address of the developer, ~~and~~ a detailed description of the type of time-share plan being offered, ~~and~~ the name of the time share plan and the address of the ~~time share~~ project.

(e) A ~~detailed~~ statement of property taxes assessed against the project and the projected amount of the purchaser's share of responsibility.

(f) A description of the type of interest and ~~usage~~ use rights the purchaser will receive.

(g) A description of all restrictions, easements, reservations ~~and~~ or zoning requirements ~~and restrictions on~~ which may limit use of the time share. The description must include any restrictions to be imposed on ~~time share interests~~ time shares concerning the use of any of the accommodations or facilities, and whether there are restrictions upon children or pets. ~~For~~ For the purposes of this paragraph:

(1) The description may reference a ~~copy~~ list of the documents containing the restrictions ~~which must be attached as an exhibit.~~ and state that the copies of the documents are available to the purchaser upon request.

(2) If there are any restrictions upon the sale, lease, transfer or conveyance of a ~~time share interest.~~ time share, the description must include a statement, in ~~conspicuous~~ at least 12-point bold type, in substantially the following form:

The sale, lease, transfer or conveyance of a ~~time share interest.~~ time share is restricted or controlled.

(Immediately following this statement, a description of the nature of the restriction, limitation or control on the sale, lease, transfer or conveyance of ~~a time share interest.~~ the time share must be included.)

(3) If there are no restrictions, there must be a statement of that fact.

(h) A description of the duration, projected phases and operation of the time-share plan.

~~(i) A [description of an inventory control system which ensures]~~ representation by the developer ensuring that the time-share plan maintains a one-to-one ~~[purchaser to accommodation]~~ use night to use right ratio. ~~For meaning the ratio of the number of purchasers eligible to use the accommodations of a time share plan on a given night to the number of accommodations available for use within the plan on that night, such that the total number of purchasers eligible to use the accommodations of the time share plan during a given calendar year never exceeds the total number of accommodations available for use in the time share plan during that year.]~~ For the purposes of the ratio calculation in this paragraph, each purchaser must be counted ~~at least once and no individual accommodation may be counted more than 365 times per calendar year or more than 366 times per leap year. A purchaser who is delinquent in the payment of time share plan assessments must continue to be considered eligible to use the accommodations of the time share plan for purposes of calculating the one to one purchase to accommodation ratio.~~

~~(ii)~~ according to the use rights held by that purchaser in any calendar year. For the purposes of this paragraph, "one-to-one use night to use right ratio" has the meaning ascribed to it in NRS 119A.525.

~~(j) A summary of the [association and a description of the structure]~~ organization of the association, ~~the voting [the]~~ rights of the members, the developer's position in the association, a description of what constitutes a quorum ~~for voting purposes and at what point in the sales program the developer relinquishes his or her control of the association, if applicable, and any other [pertinent] material information~~.

~~(j)~~ pertaining to the association.

~~(k) A description of the existing or proposed accommodations, including the type and number of [time share interests]~~ time shares in the accommodations and, if the accommodations are proposed or not yet ~~complete~~ completed or fully functional, an estimated date of completion.

~~(k)~~ (l) Each type of accommodation in terms of the number of bedrooms, bathrooms and sleeping capacity, and a statement of whether the accommodation contains a full kitchen. For the purposes of this paragraph, "full kitchen" means a kitchen that includes at a minimum, a dishwasher, range, sink, oven and refrigerator.

~~(l)~~ (m) A description of any existing or proposed amenities of the time-share plan and, if the amenities are proposed or not yet ~~complete~~ completed or fully functional, the estimated date of completion, including the extent to which financial assurances have been made for the completion of any incomplete but promised improvements.

~~(m)~~ (n) The name and principal address of the ~~[managing entity]~~ manager, if any, of the project or time-share plan, as applicable, and a description of the procedures, if any, for altering the powers and responsibilities of the ~~[managing entity]~~ manager and for removing or replacing the ~~[managing entity]~~.

~~(n)~~ manager.

~~(o)~~ A summary of the current annual budget ~~f, along with~~ of the project or the time-share plan, as applicable, including the projected assessments ~~and a description of the method for calculating and apportioning the assessments among the purchasers.~~

~~(o)~~ for each unit type offered in the time-share plan.

~~(p)~~ A description of any liens, defects or encumbrances on or affecting the title to the ~~time share interest.~~

~~(p)~~ time share which materially affects the purchaser's use of the units or facilities within the time-share plan.

~~(q)~~ Any ~~initial or~~ special fee due from the purchaser at closing, other than customary closing costs, together with a description of the purpose ~~and the method~~ of ~~calculating~~ the fee.

~~(q)~~ A description of any financing offered by or available through the developer.

~~(r)~~ Any current or expected fees or charges to be paid by ~~time share~~ purchasers for the use of any amenities related to the time-share plan.

~~(s)~~ A ~~description and amount of~~ statement indicating that hazard insurance coverage is provided for ~~protection of the purchaser, including, without limitation, for each component site.~~ the project.

~~(t)~~ A statement disclosing any right of first refusal or other restraint on the transfer of all or any portion of a ~~time share interest.~~ time share.

~~(u)~~ A statement disclosing that a deposit made in connection with the purchase of a ~~time share interest must~~ time share will be held by an escrow agent until the expiration of any right to cancel the contract and that ~~if~~ the deposit plus any interest earned must be returned to the purchaser if he or she elects to exercise his or her right of cancellation. A surety bond may be posted in lieu of a deposit if the designated obligee is acceptable to the Division.

~~(v)~~ ~~An explanation of the manner in which the apportionment of common expenses and ownership of the common elements has been determined.~~

~~(w)~~ A description of all material circumstances, features and characteristics of real property or personal property underlying or comprising the time share plan.

~~(x)~~ A statement as to whether the facilities will be used exclusively by purchasers of the time-share plan and, if ~~not available,~~ the facilities are not to be used exclusively by purchasers, a statement as to whether the purchasers of the time-share plan are required to pay any portion of the maintenance ~~and~~ expenses of such facilities.

~~(y)~~ ~~(w)~~ A ~~statement~~ description of the purchaser's right of cancellation of the purchase contract.

~~(z)~~ A legal description of the property, together with

~~(x)~~ A statement of the total number of ~~intervals in the public offering statement for the permit to sell.~~

~~(aa) A statement that any assessments collected from the purchasers will be kept in a segregated account separate from any assessments collected from the purchasers of other time share plans managed by the same managing entity, along with a statement identifying the location of the account and a disclosure of the rights of owners to inspect the records pertaining to the accounts.~~

~~(bb)~~ time shares in the time-share plan at the time a permit has been issued.

(v) If the time-share plan provides purchasers with the opportunity to participate in an exchange program, a description of the name and address of the exchange company and the method by which a purchaser can ~~access~~ participate in the exchange program.

~~[(cc)]~~ (z) A description of the reservation system, which must include:

(1) The name of the entity responsible for operating the reservation system, its relationship to the developer and the duration of any agreement for operation of the reservation system;

(2) A summary of the rules and regulations governing access to and use of the reservation system, including, without limitation, the existence of and an explanation regarding any priority reservation features that affect a purchaser's ability to make reservations for the use of a given accommodation on a first-come, first-served basis;

(3) A description of ~~the~~ the points system, if applicable, including, without limitation, whether the additional points may be acquired by purchase or otherwise, in the future and the manner in which future purchases of points may be made, and the transferability of points to other persons, other years or other time-share plans;

(4) ~~A statement that no change exceeding 10 percent per annum in the manner in which point values may be used may be made without the assent of 25 percent of the voting power of the association other than the developer.~~

~~(5)~~ A statement that no owner shall be prevented from using a time share as a result of changes in the manner in which point values may be used;

~~[(6)]~~ (5) A statement that in the event point values are changed or adjusted, no owner shall be prevented from using his or her home resort, if any, in the same manner as was provided for under the original purchase contract; ~~and~~

~~(7)~~ (6) A description of any limitations or restrictions upon the use of point values ~~;~~

~~(dd)~~ ; and

(7) A statement as to whether any unit within the time-share plan is within a mixed-use project containing full ownership condominiums.

(aa) For a ~~multi-site~~ time-share plan ~~, additionally include,~~ with more than one component site, the public offering statement must contain a description of each component site, which may be disclosed in written,

graphic, tabular or any other form approved by the Division. The description of each component site must include the following information:

~~(1) A description of each component site, including the~~ The name and address of each component site.

(2) A description of amenities available for use by the purchaser at each component site.

~~(3) A description of any~~ general statement as to whether the developer has a right to make additions, substitutions or deletions of any accommodations, amenities or component sites, and a description statement of the basis upon which accommodations, amenities or component sites may be added to, substituted ~~in~~ for or deleted from the multi-site time-share plan.

(4) A description of the purchaser's liability for any user fees or special assessments associated with the multi-site time-share plan.

(5) The location of each component site of the multi-site time-share plan, the historical occupancy of the units in each component site for the previous 12-month period, if the component site was part of the multi-site time-share plan during the previous 12-month time period, or any other description acceptable to the Division that reasonably informs a purchaser regarding the relative use demand per component site, as well as a statement of any periodic adjustment or amendment to the reservation system that may be needed in order to respond to actual purchaser use patterns and changes in purchaser use demand for the accommodations existing at that time within the multi-site time-share plan.

(6) The number of accommodations and time share interests, time shares, expressed in periods of 7-day use availability or other time increments applicable to the time-share plan, committed to the multi-site time-share plan, and available for use by purchasers, and a statement describing how adequate periods of time for maintenance and repair will be provided.

~~(cc)~~ (bb) Any other information that the developer, with the approval of the Administrator, decides to include in the public offering statement.

6. Copies of the following documents and plans, or proposed documents if the time-share plan has not been declared or created at the time the draft public offering statement application for a permit is submitted, to the extent they are applicable, must be included as exhibits to provided to the purchaser with the public offering statement provided to the purchaser:

~~(1) The declarations for a condominium.~~

~~(2) The cooperative documents.~~

~~(3) The declaration of covenants and restrictions.~~

~~(4) The articles of incorporation creating the association.~~

~~(5) The bylaws of the association.~~

~~(6) :~~

(a) Copies of the time-share instruments.

(b) The estimated or, if applicable, actual operating budget of the time-share plan.

7. The sample public offering statement must include a list of the following documents, if applicable to the time-share plan, and must state that the documents listed are available to the purchaser upon request:

(a) Any ground lease or other underlying lease of the real property associated with the time-share plan. ~~In the case of a personal property time-share plan, any lease of the personal property associated with the personal property time share plan.~~

~~(7)}~~ (b) The management agreement ~~and all maintenance and other contracts regarding the management and operation of the time share property which have terms that exceed 1 year.~~

~~(8) The estimated operating budget for the time share plan and the required schedule of purchasers' expenses.~~

~~(9)}~~ of the project or time-share plan, as applicable.

(c) The floor plan of each type of accommodation and ~~the~~ any existing plot plan showing the location of all accommodations and facilities declared as part of the time-share plan and filed with the Division.

~~{(10)}~~ (d) The lease for any facilities ~~+~~

~~(11) A declaration of servitude of properties serving the accommodations and facilities, but not owned by purchasers or leased to the purchasers or the association.~~

~~(12) Any documents which are the result of the inclusion of the time share plan in the conversion of the building to a condominium or cooperative ownership.~~

~~(13) The form of agreement for the sale or lease of time share interests.~~

~~(14) The~~ that are part of the time-share plan.

(e) Any executed agreement for the escrow of payments made to the developer before closing. ~~and the form of any agreement for the escrow of ad valorem tax escrow payments, if any, to be made into an ad valorem tax escrow account.~~

~~(15) The documents containing any restrictions on the use of the property.~~

~~(16) A}~~

(f) Any letter from the escrow agent ~~for filing attorney~~ confirming that the escrow agent and its officers, directors or other partners are independent ~~+~~ pursuant to this chapter; and

~~(17) Any other documents or instruments creating the time share plan.~~

~~(ff) Any other information that the developer, with the approval of the Administrator, desires to include in the public offering statement.~~

8. The Administrator may, upon finding that the subject matter is otherwise adequately covered or the information is unnecessary or inapplicable, waive any requirement set forth in this section.

Sec. 5. ~~{4}~~ Before a purchase contract is signed by the parties, the developer shall provide to each purchaser:

1. A copy of the public offering statement as approved by the Division;
2. ~~[Copies of the exhibits required to be submitted to the Division;~~
- ~~3.] A receipt , to be signed by the purchaser, for the time-share plan documents;~~
- ~~[4.] 3. A list describing any exhibit ~~to the public offering statement~~ submitted to the Division along with the developer's application for a permit and which ~~is~~ was not delivered to the purchaser; ~~and~~~~
4. A statement indicating that any exhibit described in subsection 3 will be made available to the purchaser upon request; and
5. Any pending amendments that have been submitted to the Division but have not yet been approved, along with a statement to the purchaser that the amendment has been submitted to the Division for approval.

Sec. 6. The developer shall provide the ~~[managing entity]~~ manager with a copy of the approved public offering statement and any approved amendments thereto, to be maintained by the ~~[managing entity]~~ manager as part of the records of the time-share plan.

Sec. 6.5. 1. For time-share plans located outside of this State, a public offering statement or public report that has been authorized for use by the situs state regulatory agency and which contains disclosures, as determined by the Administrator upon review, to be substantially equivalent to or greater than the information required to be disclosed pursuant to this section and NRS 119A.300, may be used by the developer to meet the requirements of this section and NRS 119A.300 or any regulations adopted pursuant thereto. A developer may, upon approval by the Administrator, submit a public offering statement or public report that combines, in a manner prescribed by the Administrator, the information required to be disclosed by the applicable provisions of this section and NRS 119A.300 and the information required to be disclosed in a public offering statement or public report issued by a regulatory agency in one or more other states. A developer filing an abbreviated registration application must, in addition to paying the fee provided for in this chapter, provide the following:

(a) The developer's legal name, any assumed names used by the developer and the developer's principal office location, mailing address, primary contact person and telephone number;

(b) The name, location, mailing address, primary contact person and telephone number of the time-share plan;

(c) The name and principal address of the developer's authorized project broker who must be a real estate broker licensed to maintain offices within this State;

(d) The name and principal address of all sales and marketing entities and the manager of the time-share plan;

(e) Evidence of registration or compliance with the laws and regulations of the jurisdiction in which the time-share plan is located, approved or accepted;

(f) A brief description as to whether the time-share plan contains one or more component sites, and of the types of time shares offered in the time-share plan;

(g) Disclosure of each jurisdiction in which the developer has applied for registration of the time-share plan, and whether the time-share plan or its developer was denied registration or was the subject of any disciplinary proceedings;

(h) Copies of any disclosure documents required to be given to purchasers or to be filed with the state or jurisdiction in which the time-share plan is located, approved or accepted;

(i) The disclosures required by subsection 4 of section 4 of this act;

(j) A copy of the current annual or projected budget for the association, if not otherwise included in the disclosure documents; and

(k) Any other information regarding the developer, time-share plan, project broker, manager, or sales and marketing entity, as established by the Division by regulation.

2. A developer of a time-share plan with units located solely in this State may not submit an abbreviated filing.

Sec. 7. NRS 119A.010 is hereby amended to read as follows:

119A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 119A.020 to 119A.160, inclusive, and sections 2 and 3 of this act, have the meanings ascribed to them in those sections.

Sec. 8. NRS 119A.040 is hereby amended to read as follows:

119A.040 "Developer" means any person who ~~offers to dispose of or disposes of his or her interest in a time share.~~ ~~[has the meaning ascribed to it in NRS 119.040].~~ :

1. Creates a time-share plan or is in the business of selling time shares, other than those employees or agents of the developer who sell time shares on the developer's behalf;

2. Employs agents to sell time shares on the developer's behalf; or

3. Succeeds to the interest of a developer by sale, lease, assignment, mortgage or other transfer.

↪ The term includes only those persons who offer time shares for disposition in the ordinary course of business.

Sec. 9. NRS 119A.090 is hereby amended to read as follows:

119A.090 "Project broker" means any person *licensed pursuant to chapter 645 of NRS* who coordinates the sale of time shares for ~~[a]~~ one or more time-share ~~[plan]~~ plans and to whom sales agents and representatives are responsible ~~[.]~~ on behalf of one or more developers.

Sec. 10. NRS 119A.100 is hereby amended to read as follows:

119A.100 "Public offering statement" means a ~~[report]~~ disclosure document ~~[initially]~~ prepared and signed by the developer and ~~[issued]~~ approved for use by the Administrator ~~[pursuant to the provisions of this chapter]~~ ~~[which authorizes a developer to offer to sell or sell time shares in~~

~~the time share plan which is the subject of the report.] ~~and~~~~ which contains information required by this chapter and the regulations adopted pursuant thereto.

Sec. 11. NRS 119A.130 is hereby amended to read as follows:

119A.130 "Sales agent" means a person who, on behalf of a developer ~~[-]~~ and under the direct supervision of a person licensed pursuant to the provisions of chapter 645 of NRS, sells or offers to sell a time share to a purchaser or who, if he or she is not registered as a representative, may act to induce other persons to attend a sales presentation on the behalf of a developer.

Sec. 12. NRS 119A.152 is hereby amended to read as follows:

119A.152 "Time-share plan" means ~~[the rights to time shares and the obligations and interests appurtenant thereto created by a time share instrument.]~~ any arrangement, plan, scheme or similar device, other than an exchange program, whether by membership agreement, sale, lease, deed, license right to use agreement or by any other means, whereby a purchaser, for consideration, receives ownership rights in or a right to use accommodations for a period of time less than 365 days during any given year, on a recurring basis for more than 1 year, but not necessarily consecutive years.

Sec. 13. NRS 119A.156 is hereby amended to read as follows:

119A.156 "Time-share resale broker" means a person who is licensed pursuant to chapter 645 of NRS and is registered as a time-share resale broker pursuant to the provisions of this chapter ~~[-]~~ and who, for compensation, lists, advertises, transfers, assists in transferring, promotes for resale or solicits prospective purchasers of previously sold time shares, on behalf of an owner other than a developer.

Sec. 14. NRS 119A.170 is hereby amended to read as follows:

119A.170 1. The provisions of this chapter, except subsection 4, and unless a method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS, do not apply to:

(a) The sale of 12 or fewer time shares in a ~~time-share [project]~~ plan or the sale of 12 or fewer time shares in the same subdivision;

(b) The sale or transfer of a time share by an owner who is not the developer, unless the time share is sold in the ordinary course of business of that owner;

(c) Any transfer of a ~~[less than 12]~~ time share; ~~[shares in any given calendar year, whether.]~~

(1) By deed in lieu of foreclosure;

(2) At a foreclosure sale; or

(3) By the resale of a time share that has been acquired by an association ~~[by]~~ as a result of nonpayment of association assessments:

(I) By termination of a contractual right of occupancy;

(II) By deed or other transfer in lieu of foreclosure or ~~[at]~~ termination; or

(III) *At a foreclosure sale . ~~[-]~~*

- (d) A gratuitous transfer of a time share;
 - (e) A transfer by devise or descent or a transfer to an inter vivos trust; or
 - (f) The sale or transfer of the right to use and occupy a unit on a periodic basis which recurs over a period of less than 5 years . ~~[-]~~
- ~~→ unless the method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS.]~~

2. Any campground or developer who is subject to the requirements of chapter 119B of NRS and complies with those provisions is not required to comply with the provisions of this chapter.

3. The Division may waive any provision of this chapter if it finds that the enforcement of that provision is not necessary in the public interest or for the protection of purchasers.

4. The provisions of chapter 645 of NRS apply to the sale of time shares, except any sale of a time share to which this chapter applies, and for that purpose the terms "real property" and "real estate" as used in chapter 645 of NRS shall be deemed to include a time share, whether it is an interest in real property or merely a contractual right to occupancy.

Sec. 15. NRS 119A.237 is hereby amended to read as follows:

119A.237 1. A provisional licensee shall not:

(a) Conduct sales-related activities unless the provisional licensee is:

(1) Under the supervision of:

(I) His or her project broker; ~~[-]~~

(II) *A person licensed pursuant to chapter 645 of NRS for a project;*

or

(III) *A cooperating real estate broker designated by the project broker in accordance with the provisions of this chapter and any regulations adopted pursuant thereto.*

(2) At the principal place of business or a branch office of the project broker ~~[-]~~ *or person licensed pursuant to chapter 645 of NRS* or at the physical location of a time-share development.

(b) Collect personal information from a prospective purchaser or purchaser of a time share.

2. A project broker *or person licensed pursuant to chapter 645 of NRS* shall not grant to a provisional licensee:

(a) Access to a time-share lockbox; or

(b) The ability to enter a private residence or a time-share unit that an unlicensed person otherwise would not have.

3. A project broker , *a person licensed pursuant to chapter 645 of NRS* or a cooperating real estate broker designated by the project broker in accordance with the provisions of this chapter and any regulations adopted pursuant thereto shall:

(a) Supervise the provisional licensee ~~[employed by the project broker;]~~ *he or she employs*; and

(b) Review and approve in writing any contract prepared by the provisional licensee that relates to the sale of a time share.

4. A provisional licensee may receive a commission for the sale of a time share in which the provisional licensee is involved.

5. As used in this section:

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

(b) "Provisional licensee" means an applicant who receives a provisional sales agent's license from the Division pursuant to NRS 119A.233.

Sec. 16. NRS 119A.300 is hereby amended to read as follows:

119A.300 Except as otherwise provided in NRS 119A.310, the Administrator shall issue a public offering statement and a permit to sell time shares to each applicant who:

1. Submits an application, in the manner provided by the Division, which includes:

(a) The name and address of the project broker;

(b) A copy of each time-share instrument that relates to the time-share plan;

(c) A preliminary title report *issued within 30 days of submittal* for the project and copies of the documents listed as exceptions in the report;

(d) Copies of any other documents which relate to the time-share plan or the project, including any contract, agreement or other document to be used to establish and maintain an association and to provide for the management of the time-share plan or the project, or both;

(e) Copies of instructions for escrow, deeds, sales contracts and any other documents that will be used in the sale of the time shares;

(f) A copy of any proposed trust agreement which establishes a trust for the time-share plan or the project, or both;

(g) Documents which show the current assessments for property taxes on the project;

(h) Documents which show compliance with local zoning laws;

(i) If the units which are the subject of the time-share plan are in a condominium project, or other form of common-interest ownership of property, documents which show that use of the units is in compliance with the documents which created the common-interest ownership;

(j) Copies of all documents which will be given to a purchaser who is interested in participating in a program for the exchange of occupancy rights among owners and copies of the documents which show acceptance of the time-share plan in such a program;

(k) A copy of the budget or a projection of the operating expenses of the association, if applicable;

(l) *A copy of the current point-value use directory, along with rules and procedures for changes by the developer or the association in the manner in which point values may be used;*

(m) A financial statement of the developer; ~~and~~

~~(m)}~~ (n) The ~~{draft}~~ sample public offering statement described in section 4 of this act; and

(o) Such other information as the Division, by regulation, requires ~~{f}~~ ;
~~{and}~~

2. Pays the fee provided for in this chapter.

3. Cures any deficiency in the application including, without limitation, any deficiencies in the ~~{draft}~~ sample public offering statement submitted pursuant to section 4 of this act.

~~f 4. For time share plans located outside of this State, a public offering statement or public report that has been authorized for use by the situs state regulatory agency and which contains disclosures, as determined by the Administrator upon review, to be substantially equivalent to or greater than the information required to be disclosed pursuant to this section, that may be used by the developer to meet the requirements of this section. A developer may, upon approval by the Administrator, submit a public offering statement or public report that combines, in a manner prescribed by the Administrator, the information required to be disclosed by the applicable provisions of this section and the information required to be disclosed in a public offering statement or public report issued by a regulatory agency in one or more other states. A developer filing an abbreviated registration application must, in addition to paying the fee provided for in this chapter, provide the following:~~

~~(a) The developer's legal name, any assumed names used by the developer, and the developer's principal office location, mailing address, primary contact person and telephone number;~~

~~(b) The name, location, mailing address, primary contact person and telephone number of the time share plan;~~

~~(c) The name and principal address of the developer's authorized project broker who shall be a real estate broker licensed to maintain offices within this state;~~

~~(d) The name and principal address of all managing entities who manage the time share plan;~~

~~(e) Evidence of registration or compliance with the laws and regulations of the jurisdiction in which the time share plan is located, approved or accepted;~~

~~(f) A brief description as to whether the time share plan is a single site time share plan or a multi site time share plan, and a brief description of the types of time shares offered in the time share plan;~~

~~(g) Disclosure of each jurisdiction in which the developer has applied for registration of the time share plan, and whether the time share plan or its developer were denied registration or were the subject of any disciplinary proceedings;~~

~~(h) Copies of any disclosure documents required to be given to purchasers or required to be filed with the state or jurisdiction in which the time share plan is located, approved or accepted;~~

~~(i) The disclosures required by section 4 of this act;~~
~~(j) Any other information regarding the developer, time share plan, project broker or managing entities, as established by the Division by regulation.~~

~~5. A developer of a time share plan with units located solely in this State may not submit an abbreviated filing.~~

Sec. 17. NRS 119A.305 is hereby amended to read as follows:

119A.305 The terms and conditions of the documents and agreements submitted pursuant to NRS 119A.300 , ~~and section~~ sections 4 and 6.5 of this act, which relate to the creation and management of the time-share plan and to the sale of time shares and to which the applicant or an affiliate of the applicant is a party must be described in the public offering statement and constitute ~~[additional]~~ the terms and conditions of the applicant's permit to sell time shares.

Sec. 18. NRS 119A.320 is hereby amended to read as follows:

119A.320 1. The ~~[Division]~~ Administrator shall , ~~[issue an order,]~~ within ~~[30]~~ 60 days after the receipt of an application for a permit to sell time shares ~~[.]~~ [.] notifying in a time-share plan containing only one component site, or within 120 days after the receipt of an initial application for a permit to sell time shares in a time-share plan containing more than one component site, notify the applicant of ~~[his]~~ his or her decision to:

- (a) Issue a public offering statement and permit to sell time shares;
- (b) Issue a preliminary permit to sell time shares, including a list of all deficiencies, if any, which must be corrected before a permit is issued; or
- ~~[(b)]~~ (c) Deny the application and list the reasons for denial ~~[.]~~ in sufficient detail to allow the developer to cure the deficiencies.

2. The ~~[Division]~~ Administrator shall, within 45 days after:

(a) The receipt of evidence that the deficiencies in the application for a permit to sell time shares are cured, issue a *public offering statement and permit to sell time shares* or deny the application and list the *specific* reasons for denial ~~[.]~~ pursuant to the provisions of this chapter and any regulations adopted pursuant thereto; or

(b) The issuance of a preliminary permit, *receipt of all information necessary to cure the identified deficiencies and satisfaction of all the requirements for the issuance of a permit to sell time shares*, issue a *public offering statement and permit to sell time shares*.

Sec. 19. NRS 119A.355 is hereby amended to read as follows:

119A.355 1. A permit must be renewed annually by the developer by filing an application with and paying the fee for renewal to the Administrator. The application must be filed and the fee paid not later than 30 days before the date on which the permit expires. The application must include the budget of the association and any change that has occurred in the information previously provided to the Administrator or in a *public offering statement* ~~[of disclosure]~~ provided to a prospective purchaser pursuant to the provisions of NRS 119A.400.

2. The renewal of a ~~public offering statement~~ permit with no material changes to the public offering statement is effective on the 30th day after the filing of the application unless the Administrator:

(a) ~~Denies~~ Issues a written denial of the renewal pursuant to NRS 119A.654, describing the reasons for denial pursuant to the provisions of this chapter in sufficient detail to allow the developer to cure such deficiencies; ~~for any other reason;~~ or

(b) Approves the renewal on an earlier date.

3. The Division shall, within ~~45~~ 30 days after the receipt of evidence that the deficiencies in the renewal of a permit to sell time shares are cured, renew the permit to sell time shares or deny the renewal and list the specific reasons for denial pursuant to the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 20. NRS 119A.357 is hereby amended to read as follows:

119A.357 1. A sales agent, representative, manager, developer, ~~for~~ project broker or person licensed pursuant to chapter 645 of NRS and subject to the provisions of this chapter shall notify the Division in writing if he or she is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or any crime involving moral turpitude.

2. A sales agent, representative, manager, developer, ~~for~~ project broker or person licensed pursuant to chapter 645 of NRS and subject to the provisions of this chapter shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty, guilty but mentally ill or nolo contendere; and

(b) When submitting an application to renew a license, registration or permit issued pursuant to this chapter.

Sec. 21. NRS 119A.390 is hereby amended to read as follows:

119A.390 A reservation to purchase a time share must:

1. Be on a form approved by the Division;

2. Include a provision which grants the prospective purchaser the right to cancel the reservation at any time before the execution of the contract of sale with the full refund of any deposit;

3. Provide for the placement of any deposit in escrow until *the public offering statement is approved* and a permit is issued by the Administrator pursuant to NRS ~~119A.300;~~ 119A.320;

4. Guarantee the purchase price for the time share for a certain period after the *public offering statement is approved* and issuance of the permit to sell time shares; and

5. Require that any interest earned on the deposit for the reservation be paid to the prospective purchaser.

Sec. 22. NRS 119A.410 is hereby amended to read as follows:

119A.410 1. The purchaser of a time share may cancel, by written notice, the contract of sale until midnight of the fifth calendar day following

the date of execution of the contract. The contract of sale must include a statement of this right.

2. The right of cancellation may not be waived. Any attempt by the developer to obtain a waiver results in a contract which is voidable by the purchaser.

3. The notice of cancellation may be delivered personally to the developer, ~~for~~ sent by certified mail, return receipt requested, *or sent by standard overnight common carrier ~~for~~ delivery service, with proof of service*, to the business address of the developer.

4. The developer shall, within ~~15~~ 20 days after receipt of the notice of cancellation, return all payments made by the purchaser.

Sec. 23. NRS 119A.534 is hereby amended to read as follows:

119A.534 1. A manager of a project located in this State who enters into or renews an agreement that must comply with the provisions of subsection 3 of NRS 119A.530 shall submit to the association and to the Division a disclosure statement that contains a description of any arrangement made by the manager or an affiliate of the manager relating to:

(a) The resale of ~~12 or fewer~~ time shares ~~in a calendar year~~ on behalf of the association or its members;

(b) Actions taken for the collection of assessments and the foreclosure of liens on behalf of the association or its members;

(c) The exchange or rental of time shares owned by the association or its members; and

(d) The use of the names of the members of the association for purposes unrelated to the duties of the association as set forth in the time-share instrument and this chapter.

2. The disclosure statement must be:

(a) Submitted annually at a time designated by the Administrator and at least 120 days before any date on which the agreement is automatically renewed.

(b) Signed by the manager or an authorized representative of the manager under penalty of perjury.

3. The Administrator shall adopt regulations prescribing the form and contents of the disclosure statements required by this section.

Sec. 24. NRS 119A.542 is hereby amended to read as follows:

119A.542 1. The *developer or* board of an association shall:

(a) Cause to be conducted at least once every 5 years, a study of the reserves required to repair, replace and restore the major components of the project;

(b) Review the results of that study at least annually to determine if those reserves are sufficient; and

(c) Make any adjustments it deems necessary to maintain the required reserves.

2. The study required by subsection 1 must be conducted by a person qualified by training and experience to conduct such a study, including a

member of the board or the manager of the time-share plan or the project, or both, who is so qualified. The study must include, without limitation:

- (a) A summary of an inspection of the major components of the project;
- (b) An identification of the major components of the project which have a remaining useful life of less than 30 years;
- (c) An estimate of the remaining useful life of each major component identified pursuant to paragraph (b);
- (d) An estimate of the cost of repair, replacement or restoration of each major component identified pursuant to paragraph (b) during and at the end of its useful life; and
- (e) An estimate of the total annual assessment that may be required to cover the cost of repairing, replacing or restoring the major components identified pursuant to paragraph (b), after subtracting the reserves of the association as of the date of the study.

3. The Administrator shall adopt by regulation the qualifications required for conducting a study required by subsection 1.

Sec. 25. NRS 119A.670 is hereby amended to read as follows:

119A.670 The Real Estate Commission may take action pursuant to NRS 645.630 against any project broker *or person who is licensed pursuant to chapter 645 of NRS and subject to the provisions of this chapter* who fails to adequately supervise the conduct of any sales agent or representative with whom the project broker *or person* is associated.

Sec. 26. NRS 119A.680 is hereby amended to read as follows:

119A.680 1. It is unlawful for any person to engage in the business of, act in the capacity of, advertise or assume to act as a:

(a) Project broker , *person who is licensed pursuant to chapter 645 of NRS* or ~~sales agent~~ *time-share resale broker* within the State of Nevada without first obtaining a license from the Division pursuant to chapter 645 of NRS . ~~for NRS 119A.210.~~

(b) *Sales agent for a project broker within the State of Nevada without first obtaining a license from the Division pursuant to NRS 119A.210; or*

(c) Representative, manager or time-share resale broker within the State of Nevada without first registering with the Division.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 219 to Senate Bill No. 383 revises the various definitions relating to time shares. It provides for a sample public offering statement, instead of a draft public offering statement. It revises certain requirements for time-share plans located outside of the State of Nevada.

Amendment No. 219 to Senate Bill No. 383 permits the Real Estate Division of the Department of Business and Industry 60 days, instead of 30 days, to issue an order after receiving an application for a permit to sell a time-share plan with one component site, or 120 days if it contains more than one component site. Finally, it requires the Real Estate Division to renew a permit to sell a time share within 30 days, instead of 45 days, after receiving evidence that any deficiencies in the renewal application have been cured.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 388.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 418.

"SUMMARY—Revises provisions relating to crimes involving certain persons. (BDR 15-927)"

"AN ACT relating to crimes; repealing the crime of solicitation of a minor to engage in acts constituting the infamous crime against nature; providing that the crime of luring a child includes the solicitation of certain persons to engage in sexual conduct; revising certain definitions and references to sex acts; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that a person who incites, entices or solicits a minor to engage in acts which constitute the infamous crime against nature is guilty of a crime. Existing law further defines the "infamous crime against nature" as anal intercourse, cunnilingus or fellatio between natural persons of the same sex. (NRS 201.195) Section 20 of this bill repeals the crime of solicitation of a minor to engage in acts constituting the infamous crime against nature.

Existing law defines the term "sexual conduct" for the crimes of: (1) the unlawful exhibition and sale of obscene material to minors; and (2) the unlawful voluntary sexual conduct between a prisoner and another person. (NRS 201.263, 212.187) Sections 1 and 15 of this bill remove the term "homosexuality," and replace the term "sexual intercourse" with the term "sexual penetration," for the purposes of defining "sexual conduct."

Existing law provides that a person commits the crime of luring a child when he or she knowingly contacts or communicates with or attempts to contact or communicate with another person whom he or she believes to be a child who is less than 16 years of age and at least 5 years younger than he or she is, with the intent to persuade or lure that person to engage in sexual conduct. (NRS 201.560) Section 1.5 of this bill provides that the crime of luring a child includes contacting or communicating with the person believed to be a child with the intent to solicit that person to engage in sexual conduct.

Existing law also requires the segregation of certain offenders committed to the custody of the Department of Corrections, if the offender tests positive for human immunodeficiency virus and engages in certain behavior, including the infamous crime against nature, that increases the risk of transmitting the virus. (NRS 209.385) Section 14 of this bill removes the reference to the "infamous crime against nature," and replaces it with a reference to "sexual ~~conduct~~ activity."

Existing law provides that a member of the Nevada National Guard is generally subject to disciplinary proceedings through a court-martial.

However, for certain crimes, including the infamous crime against nature, a member is subject to the jurisdiction of the civil courts. (NRS 412.562) Section 19 of this bill removes the reference to the infamous crime against nature, thereby deleting that particular offense from the jurisdiction of the civil courts.

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

Section 1. NRS 201.263 is hereby amended to read as follows:

201.263 "Sexual conduct" means acts of masturbation, ~~homosexuality,~~ sexual ~~[intercourse]~~ penetration or physical contact with a person's unclothed genitals or pubic area.

Sec. 1.5. NRS 201.560 is hereby amended to read as follows:

201.560 1. Except as otherwise provided in subsection 3, a person commits the crime of luring a child if the person knowingly contacts or communicates with or attempts to contact or communicate with:

(a) A child who is less than 16 years of age and who is at least 5 years younger than the person with the intent to persuade, lure or transport the child away from the child's home or from any location known to the child's parent or guardian or other person legally responsible for the child to a place other than where the child is located, for any purpose:

(1) Without the express consent of the parent or guardian or other person legally responsible for the child; and

(2) With the intent to avoid the consent of the parent or guardian or other person legally responsible for the child; or

(b) Another person whom he or she believes to be a child who is less than 16 years of age and at least 5 years younger than he or she is, regardless of the actual age of that other person, with the intent to solicit, persuade or lure the person to engage in sexual conduct.

2. Except as otherwise provided in subsection 3, a person commits the crime of luring a person with mental illness if the person knowingly contacts or communicates with a person with mental illness with the intent to persuade, lure or transport the person with mental illness away from his or her home or from any location known to any person legally responsible for the person with mental illness to a place other than where the person with mental illness is located:

(a) For any purpose that a reasonable person under the circumstances would know would endanger the health, safety or welfare of the person with mental illness;

(b) Without the express consent of the person legally responsible for the person with mental illness; and

(c) With the intent to avoid the consent of the person legally responsible for the person with mental illness.

3. The provisions of this section do not apply if the contact or communication is made or attempted with the intent to prevent imminent

bodily, emotional or psychological harm to the child, person believed to be a child or person with mental illness.

4. A person who violates or attempts to violate the provisions of this section through the use of a computer, system or network:

(a) With the intent to engage in sexual conduct with the child, person believed to be a child or person with mental illness or to cause the child, person believed to be a child or person with mental illness to engage in sexual conduct, 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;

(b) By providing the child, person believed to be a child or person with mental illness with material that is harmful to minors or requesting the child, person believed to be a child or person with mental illness to provide the person with material that is harmful to minors, is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If paragraph (a) or (b) does not apply, is guilty of a gross misdemeanor.

5. A person who violates or attempts to violate the provisions of this section in a manner other than through the use of a computer, system or network:

(a) With the intent to engage in sexual conduct with the child, person believed to be a child or person with mental illness or to cause the child, person believed to be a child or person with mental illness to engage in sexual conduct, 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;

(b) By providing the child, person believed to be a child or person with mental illness with material that is harmful to minors or requesting the child, person believed to be a child or person with mental illness to provide the person with material that is harmful to minors, 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; or

(c) If paragraph (a) or (b) does not apply, is guilty of a gross misdemeanor.

6. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735.

(b) "Harmful to minors" has the meaning ascribed to it in NRS 201.257.

(c) "Material" means anything that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound or in any other manner.

(d) "Network" has the meaning ascribed to it in NRS 205.4745.

(e) "Person with mental illness" means a person who has any mental dysfunction leading to impaired ability to maintain himself or herself and to function effectively in his or her life situation without external support.

(f) "Sexual conduct" has the meaning ascribed to it in NRS 201.520.

(g) "System" has the meaning ascribed to it in NRS 205.476.

Sec. 2. NRS 202.876 is hereby amended to read as follows:

202.876 "Violent or sexual offense" means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.

2. Mayhem pursuant to NRS 200.280.

3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

4. Sexual assault pursuant to NRS 200.366.

5. Robbery pursuant to NRS 200.380.

6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.

7. Battery with intent to commit a crime pursuant to NRS 200.400.

8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.

9. False imprisonment pursuant to NRS 200.460 if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

10. Assault with a deadly weapon pursuant to NRS 200.471.

11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in NRS 200.481 or battery which is committed by strangulation as described in NRS 200.481 or 200.485.

12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.

13. ~~{Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.~~

~~14.}~~ Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.

~~{15.}~~ 14. Open or gross lewdness pursuant to NRS 201.210.

~~{16.}~~ 15. Lewdness with a child pursuant to NRS 201.230.

~~{17.}~~ 16. An offense involving pandering or prostitution in violation of NRS 201.300, 201.320 or 201.340.

~~{18.}~~ 17. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.

~~{19.}~~ 18. An attempt, conspiracy or solicitation to commit an offense listed in ~~{subsections 1 to 18, inclusive.}~~ *this section.*

Sec. 3. NRS 62H.010 is hereby amended to read as follows:

62H.010 1. The fingerprints of a child must be taken if the child is in custody for an unlawful act that, if committed by an adult, would have been:

- (a) A felony, gross misdemeanor or sexual offense; or
- (b) A misdemeanor and the unlawful act involved:
 - (1) The use or threatened use of force or violence against the victim; or
 - (2) The possession, use or threatened use of a firearm or a deadly weapon.

2. The fingerprints of a child who is in custody but who is not subject to the provisions of subsection 1 may be taken if a law enforcement officer finds latent fingerprints during the investigation of an offense and the officer has reason to believe that the latent fingerprints are those of the child. The officer shall use the fingerprints taken from the child to make an immediate comparison with the latent fingerprints. If the comparison is:

- (a) Negative, the fingerprint card and other copies of the fingerprints taken may be immediately destroyed or may be retained for future use.
- (b) Positive, the fingerprint card and other copies of the fingerprints:
 - (1) Must be delivered to the juvenile court for disposition if the child is referred to the juvenile court.
 - (2) May be immediately destroyed or may be retained for future use if the child is not referred to the juvenile court.

3. Fingerprints that are taken from a child pursuant to the provisions of this section:

- (a) May be retained in a local file or a local system for the automatic retrieval of fingerprints if they are retained under special security measures that limit inspection of the fingerprints to law enforcement officers who are conducting criminal investigations. If the child from whom the fingerprints are taken subsequently is not adjudicated delinquent, the parent or guardian of the child or, when the child becomes at least 18 years of age, the child may petition the juvenile court for the removal of the fingerprints from any local file or local system.

- (b) Must be submitted to the Central Repository if the child is adjudicated delinquent for an unlawful act that would have been a felony or a sexual offense if committed by an adult, and may be submitted to the Central Repository for any other act. Any such fingerprints submitted to the Central Repository must be submitted with a description of the child and the unlawful act, if any, that the child committed. The Central Repository shall retain the fingerprints and information of the child under special security measures that limit inspection of the fingerprints and the information to:

- (1) Law enforcement officers who are conducting criminal investigations; and
 - (2) Officers and employees of the Central Repository who are assisting law enforcement officers with criminal investigations or who are conducting research or performing a statistical analysis.

(c) Must not be submitted to the Federal Bureau of Investigation unless the child is adjudicated delinquent for an unlawful act that would have been a felony or a sexual offense if committed by an adult.

4. A child who is in custody must be photographed for the purpose of identification. Except as otherwise provided in this subsection, the photographs of the child must be kept in the file pertaining to the child under special security measures which provide that the photographs may be inspected only to conduct criminal investigations and photographic lineups. If the juvenile court subsequently determines that the child is not delinquent, the juvenile court shall order the photographs to be destroyed.

5. Any person who willfully violates any provision of this section is guilty of a misdemeanor.

6. As used in this section, "sexual offense" means:

- (a) Sexual assault pursuant to NRS 200.366;
- (b) Statutory sexual seduction pursuant to NRS 200.368;
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
- (e) Incest pursuant to NRS 201.180;
- (f) ~~Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195;~~
- ~~(g)~~ Open or gross lewdness pursuant to NRS 201.210;
- ~~(h)~~ (g) Indecent or obscene exposure pursuant to NRS 201.220;
- ~~(i)~~ (h) Lewdness with a child pursuant to NRS 201.230;
- ~~(j)~~ (i) Sexual penetration of a dead human body pursuant to NRS 201.450;
- ~~(k)~~ (j) Luring a child or person with mental illness pursuant to NRS 201.560, if punishable as a felony;
- ~~(l)~~ (k) An attempt to commit an offense listed in paragraphs (a) to ~~(k)~~, inclusive; or
- ~~(m)~~ (l) An offense that is determined to be sexually motivated pursuant to NRS 175.547.

Sec. 4. NRS 62H.220 is hereby amended to read as follows:

62H.220 1. For each child adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult, the Division of Child and Family Services shall collect from the juvenile courts, local juvenile probation departments and the staff of the youth correctional services, as directed by the Department of Health and Human Services:

- (a) The information listed in NRS 62H.210;
 - (b) The name of the child; and
 - (c) All information concerning programs of treatment in which the child participated that:
 - (1) Were directly related to the delinquent act committed by the child;
- or

(2) Were designed or utilized to prevent the commission of another such act by the child in the future.

2. The Division of Child and Family Services shall provide the information collected pursuant to subsection 1 to the Director of the Department of Health and Human Services for use in the program established pursuant to NRS 62H.300, 62H.310 and 62H.320.

3. Except as otherwise provided in NRS 239.0115, all information containing the name of the child and all information relating to programs of treatment in which the child participated is confidential and must not be used for a purpose other than that provided for in this section and NRS 62H.320.

4. As used in this section, "sexual offense" means:

- (a) Sexual assault pursuant to NRS 200.366;
- (b) Statutory sexual seduction pursuant to NRS 200.368;
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
- (e) Incest pursuant to NRS 201.180;
- ~~(f) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195;~~
- ~~(g)~~ Open or gross lewdness pursuant to NRS 201.210;
- ~~(h)~~ (g) Indecent or obscene exposure pursuant to NRS 201.220;
- ~~(i)~~ (h) Lewdness with a child pursuant to NRS 201.230;
- ~~(j)~~ (i) Sexual penetration of a dead human body pursuant to NRS 201.450;
- ~~(k)~~ (j) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony;
- ~~(l)~~ (k) Annoyance or molestation of a minor pursuant to NRS 207.260;
- ~~(m)~~ (l) An attempt to commit an offense listed in paragraphs (a) to ~~(l)~~ (k), inclusive;
- ~~(n)~~ (m) An offense that is determined to be sexually motivated pursuant to NRS 175.547; or
- ~~(o)~~ (n) An offense committed in another jurisdiction that, if committed in this State, would have been an offense listed in this subsection.

Sec. 5. NRS 62H.310 is hereby amended to read as follows:

62H.310 As used in this section and NRS 62H.300 and 62H.320:

1. "Juvenile sex offender" means a child adjudicated delinquent for an act that, if committed by an adult, would be a sexual offense.

2. "Sexual offense" means:

- (a) Sexual assault pursuant to NRS 200.366;
- (b) Statutory sexual seduction pursuant to NRS 200.368;
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
- (e) Incest pursuant to NRS 201.180;

(f) ~~[Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195;~~

~~(g)~~ Open or gross lewdness pursuant to NRS 201.210;

~~(h)~~ (g) Indecent or obscene exposure pursuant to NRS 201.220;

~~(i)~~ (h) Lewdness with a child pursuant to NRS 201.230;

~~(j)~~ (i) Sexual penetration of a dead human body pursuant to NRS 201.450;

~~(k)~~ (j) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

~~(l)~~ (k) An attempt to commit an offense listed in paragraphs (a) to ~~(k)~~, (j), inclusive;

~~(m)~~ (l) An offense that is determined to be sexually motivated pursuant to NRS 175.547; or

~~(n)~~ (m) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection.

Sec. 6. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a person professionally qualified to conduct psychosexual evaluations, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

- (II) A crime against a child as defined in NRS 179D.0357;
- (III) A sexual offense as defined in NRS 179D.097;
- (IV) A deadly weapon, explosives or a firearm;
- (V) The use or threatened use of force or violence;
- (VI) Physical or mental abuse;
- (VII) Death or bodily injury;
- (VIII) An act of domestic violence;
- (IX) Harassment, stalking, threats of any kind or other similar acts;
- (X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or
- (XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

- (I) A tribal court.
- (II) A court of the United States or the Armed Forces of the United States.

(b) "Person professionally qualified to conduct psychosexual evaluations" has the meaning ascribed to it in NRS 176.133.

(c) "Sexual offense" means:

(1) 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, ~~paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS~~ 201.230 or 201.450 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) 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.

Sec. 7. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) ~~[Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony;~~

~~(h)~~ Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

~~(i)~~ (h) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

~~(j)~~ (i) Lewdness with a child pursuant to NRS 201.230;

~~(k)~~ (j) Sexual penetration of a dead human body pursuant to NRS 201.450;

~~(l)~~ (k) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

~~(m)~~ (l) An attempt to commit an offense listed in paragraphs (a) to ~~(l)~~, inclusive, if punished as a felony; or

~~(n)~~ (m) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 8. NRS 176A.110 is hereby amended to read as follows:

176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless:

(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or

(b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the

offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment.

2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.

3. The provisions of this section apply to a person convicted of any of the following offenses:

(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

~~(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.~~

~~(h)~~ Open or gross lewdness pursuant to NRS 201.210.

~~(i)~~ Indecent or obscene exposure pursuant to NRS 201.220.

~~(j)~~ Sexual penetration of a dead human body pursuant to NRS 201.450.

~~(k)~~ Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~(l)~~ A violation of NRS 207.180.

~~(m)~~ An attempt to commit an offense listed in paragraphs (b) to ~~(l)~~ ~~(k)~~, inclusive.

~~(n)~~ Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 9. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.131;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,

➡ before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(5) Incest pursuant to NRS 201.180;

(6) ~~Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195;~~

~~[(7)]~~ Open or gross lewdness pursuant to NRS 201.210;

~~[(8)]~~ (7) Indecent or obscene exposure pursuant to NRS 201.220;

~~[(9)]~~ (8) Lewdness with a child pursuant to NRS 201.230;

~~[(10)]~~ (9) Sexual penetration of a dead human body pursuant to NRS 201.450;

~~[(11)]~~ (10) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

~~[(12)]~~ (11) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

~~[(13)]~~ (12) An attempt to commit an offense listed in this paragraph.

Sec. 10. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, 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 or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) 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; or

(f) Any other misdemeanor 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.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

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

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) 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

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

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:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted 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 the hearing on the petition.

4. If, after the hearing, 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 the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. 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.

7. 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) ~~Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.~~

~~(11)~~ Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

~~(12)~~ (11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

~~(13)~~ (12) Lewdness with a child pursuant to NRS 201.230.

~~(14)~~ (13) Sexual penetration of a dead human body pursuant to NRS 201.450.

~~(15)~~ (14) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

~~(16)~~ (15) An attempt to commit an offense listed in ~~subparagraphs (1) to (15), inclusive.~~ *this paragraph.*

Sec. 11. NRS 179A.073 is hereby amended to read as follows:

179A.073 1. "Sexual offense" includes acts upon a child constituting:

(a) Sexual assault under NRS 200.366;

(b) Statutory sexual seduction under NRS 200.368;

(c) Use of a minor in producing pornography under NRS 200.710;

(d) Promotion of a sexual performance of a minor under NRS 200.720;

(e) Possession of a visual presentation depicting the sexual conduct of a child under NRS 200.730;

(f) Incest under NRS 201.180;
 (g) ~~[Solicitation of a minor to engage in the infamous crime against nature under NRS 201.195;~~
~~(h)~~ Lewdness with a child under NRS 201.230; or
~~[(i)]~~ (h) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

2. "Sexual offense" also includes acts committed outside the State that would constitute any of the offenses in subsection 1 if committed in the State, and the aiding, abetting, attempting or conspiring to engage in any of the offenses in subsection 1.

Sec. 12. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. "Sexual offense" means any of the following offenses:

(a) 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.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) 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 ~~[section.]~~ subsection.

(f) 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 section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) ~~[Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.~~

~~(k)~~ Open or gross lewdness pursuant to NRS 201.210.

~~[(l)]~~ (k) Indecent or obscene exposure pursuant to NRS 201.220.

~~[(m)]~~ (l) Lewdness with a child pursuant to NRS 201.230.

~~[(n)]~~ (m) Sexual penetration of a dead human body pursuant to NRS 201.450.

~~[(o)]~~ (n) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(p)]~~ (o) Any other offense that has an element involving a sexual act or sexual conduct with another.

~~[(q)]~~ (p) An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(p)]~~ (o), inclusive.

~~[(t)]~~ (q) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(s)]~~ (r) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this ~~[section.]~~ subsection. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

~~[(t)]~~ (s) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. The term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 13. NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph ~~[(p)]~~ (o) of subsection 1 of NRS 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 14. NRS 209.385 is hereby amended to read as follows:

209.385 1. Each offender committed to the custody of the Department for imprisonment shall submit to such initial tests as the Director determines appropriate to detect exposure to the human immunodeficiency virus. Each such test must be approved by regulation of the State Board of Health. At the time the offender is committed to custody and after an incident involving the offender:

(a) The appropriate approved tests must be administered; and

(b) The offender must receive counseling regarding the virus.

2. If the results of an initial test are positive, the offender shall submit to such supplemental tests as the Director determines appropriate. Each such

test must be approved for the purpose by regulation of the State Board of Health.

3. If the results of a supplemental test are positive, the name of the offender must be disclosed to:

- (a) The Director;
- (b) The administrative officers of the Department who are responsible for the classification and medical treatment of offenders;
- (c) The manager or warden of the facility or institution at which the offender is confined; and
- (d) Each other employee of the Department whose normal duties involve the employee with the offender or require the employee to come into contact with the blood or bodily fluids of the offender.

4. The offender must be segregated from every other offender whose test results are negative if:

- (a) The results of a supplemental test are positive; and
- (b) The offender engages in behavior that increases the risk of transmitting the virus, such as battery, ~~[the infamous crime against nature,]~~ ~~[sexual conduct,]~~ sexual ~~[intercourse in its ordinary meaning]~~ activity or illegal intravenous injection of a controlled substance or a dangerous drug as defined in chapter 454 of NRS.

5. The Director, with the approval of the Board:

(a) Shall establish for inmates and employees of the Department an educational program regarding the virus whose curriculum is provided by the Health Division of the Department of Health and Human Services. A person who provides instruction for this program must be certified to do so by the Health Division.

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

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

~~(a) "Incident";~~ *"incident"* means an occurrence, of a kind specified by regulation of the State Board of Health, that entails a significant risk of exposure to the human immunodeficiency virus.

~~[(b)] ["Infamous crime against nature"]~~ ~~["Sexual conduct" means anal intercourse, cunnilingus or fellatio between natural persons of the same sex.]~~

Sec. 15. NRS 212.187 is hereby amended to read as follows:

212.187 1. A prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement, and who voluntarily engages in sexual conduct with another person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who voluntarily engages in sexual conduct with a prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant

to NRS 209.4886 or 209.4888 or residential confinement, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "sexual conduct":

(a) Includes acts of masturbation, ~~[homosexuality,]~~ sexual ~~[intercourse]~~ *penetration* or physical contact with another person's clothed or unclothed genitals or pubic area to arouse, appeal to or gratify the sexual desires of a person.

(b) Does not include acts of a person who has custody of a prisoner or an employee of the institution in which the prisoner is confined that are performed to carry out the necessary duties of such a person or employee.

Sec. 16. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, 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. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "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, ~~[paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS]~~ 201.230 or 201.450, 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. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 17. NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The Board shall not grant parole to or continue the parole of a prisoner who has served, is serving or has yet to serve a sentence on his or her current term of imprisonment for having been convicted of an offense listed in subsection 8 unless a panel consisting of:

(a) The Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services or his or her designee;

(b) The Director of the Department of Corrections or his or her designee; and

(c) A psychologist licensed to practice in this State or a psychiatrist licensed to practice medicine in this State,

↪ evaluates the prisoner, within 120 days before a hearing to consider granting or continuing his or her parole, using a currently accepted standard of assessment to determine the prisoner's likelihood to reoffend in a sexual manner. The panel shall provide a report of its evaluation to the Board before the hearing.

2. The Board may require the panel to conduct an evaluation of a prisoner who is a sex offender if an evaluation may assist the Board in determining whether parole should be granted or continued. The panel shall provide a report of its evaluation to the Board before the hearing to consider granting or continuing the prisoner's parole.

3. This section does not create a right in any prisoner to be evaluated or reevaluated more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the panel from conducting additional evaluations of a prisoner if such evaluations may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for evaluating, not evaluating or considering or relying on an evaluation of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.

4. The panel shall adopt regulations pertaining to the evaluation of prisoners subject to the provisions of this section to determine a prisoner's risk to reoffend in a sexual manner. The regulations must be adopted in accordance with the provisions of chapter 233B of NRS and must be codified in the Nevada Administrative Code.

5. The regulations adopted pursuant to subsection 4 must require that:

(a) The evaluation be based on currently accepted standards of assessment designed to determine the risk of an offender to reoffend in a sexual manner;

(b) The report of the evaluation contain a statement rating the prisoner as a low, moderate or high risk to reoffend in a sexual manner; and

(c) If the report of the evaluation varies from the standard of assessment, the panel include a written statement of any mitigating or aggravating factors which justified such deviation.

6. The panel shall:

(a) Review the standards of assessment and procedures adopted by regulation at least once every 3 years; and

(b) Make a finding regarding the validity of the use of any standard of assessment.

7. If the panel finds that a standard of assessment is ineffective, or another standard of assessment is more effective, in predicting whether a prisoner may reoffend in a sexual manner, the panel may discontinue the use

of the current standard of assessment and adopt a new standard of assessment that is determined to be more effective.

8. The provisions of this section apply to a prisoner convicted of any of the following offenses:

- (a) Sexual assault pursuant to NRS 200.366.
- (b) Statutory sexual seduction pursuant to NRS 200.368.
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400.
- (d) Abuse or neglect of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony.
- (e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.
- (f) Incest pursuant to NRS 201.180.
- (g) ~~Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.~~
- ~~(h)~~ Open or gross lewdness pursuant to NRS 201.210.
- ~~(i)~~ (h) Indecent or obscene exposure pursuant to NRS 201.220.
- ~~(j)~~ (i) Lewdness with a child pursuant to NRS 201.230.
- ~~(k)~~ (j) Sexual penetration of a dead human body pursuant to NRS 201.450.
- ~~(l)~~ (k) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.
- ~~(m)~~ (l) An attempt to commit an offense listed in paragraphs (a) to ~~(l)~~, inclusive.
- ~~(n)~~ (m) An offense that is determined to be sexually motivated pursuant to NRS 175.547.
- ~~(o)~~ (n) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

9. The Board may adopt by regulation the manner in which the Board will consider an evaluation prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.

10. Meetings of a panel pursuant to this section must be conducted in accordance with the provisions of chapter 241 of NRS.

11. As used in this section:

- (a) "Current term of imprisonment" means one or more sentences being served concurrently or consecutively with the sentence first imposed.
- (b) "Reoffend in a sexual manner" means to commit any offense listed in subsection 8.
- (c) "Sex offender" means a person who, after July 1, 1956, is or has been:
 - (1) Convicted of a sexual offense; or
 - (2) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subparagraph ~~(18)~~ of paragraph (d).
 ➔ The term includes, but is not limited to, a sexually violent predator or a nonresident sex offender who is a student or worker within this State.
- (d) "Sexual offense" means any of the following offenses:

(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.

(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) ~~Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.~~

~~((11))~~ Open or gross lewdness pursuant to NRS 201.210.

~~((12))~~ Indecent or obscene exposure pursuant to NRS 201.220.

~~((13))~~ Lewdness with a child pursuant to NRS 201.230.

~~((14))~~ Sexual penetration of a dead human body pursuant to NRS 201.450.

~~((15))~~ Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~((16))~~ (15) An attempt or conspiracy to commit an offense listed in subparagraphs (1) to ~~((15))~~ (14), inclusive.

~~((17))~~ (16) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~((18))~~ (17) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

~~((19))~~ (18) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this paragraph, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender

because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(III) A court having jurisdiction over juveniles.

➔ The term does not include an offense involving consensual sexual conduct if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 18. NRS 213.1255 is hereby amended to read as follows:

213.1255 1. Except as otherwise provided in subsection 4, in addition to any conditions of parole required to be imposed pursuant to NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection 6 against a child under the age of 14 years and who is a Tier 3 offender, the Board shall require that the parolee:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his or her location and producing, upon request, reports or records of his or her presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location.

(c) Pay any costs associated with his or her participation under the system of active electronic monitoring, to the extent of his or her ability to pay.

2. A parolee placed under the system of active electronic monitoring pursuant to subsection 1 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to his or her participation under the system of active electronic monitoring.

3. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a parolee pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not

prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

4. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

5. In addition to any conditions of parole required to be imposed pursuant to subsection 1 and NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection 6 against a child under the age of 14 years, the Board shall, when appropriate:

(a) Require the parolee to participate in psychological counseling.

(b) Prohibit the parolee from being alone with a child unless another adult who has never been convicted of a sexual offense is present.

6. The provisions of subsections 1 and 5 apply to a prisoner who was convicted of:

(a) Sexual assault pursuant to paragraph (c) of subsection 3 of NRS 200.366;

(b) Abuse or neglect of a child pursuant to subparagraph (1) of paragraph (a) of subsection 1 or subparagraph (1) of paragraph (a) of subsection 2 of NRS 200.508;

(c) An offense punishable pursuant to subsection 2 of NRS 200.750;

(d) ~~{Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 201.195;~~

~~(e)}~~ Lewdness with a child pursuant to NRS 201.230;

~~{(f)}~~ (e) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony; or

~~{(g)}~~ (f) Any combination of the crimes listed in ~~{paragraphs (a) to (f) inclusive.}~~ *this subsection.*

Sec. 19. NRS 412.562 is hereby amended to read as follows:

412.562 Though not specifically mentioned in this Code, all disorders and neglects to the prejudice of good order and discipline in the Nevada National Guard of which persons subject to this Code may be guilty must be taken cognizance of by a general, special or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court. However, cognizance may not be taken and jurisdiction may not be extended to the crimes of murder, manslaughter, sexual assault, larceny and wrongful appropriation for value of \$100 and over, robbery, mayhem, arson, extortion, assault, burglary ~~{, or invasion of the home, {or the infamous crime against nature,}}~~ jurisdiction of which is reserved to civil courts, except as otherwise provided in NRS 412.322.

Sec. 20. NRS 201.195 is hereby repealed.

TEXT OF REPEALED SECTION

201.195 Solicitation of minor to engage in acts constituting crime against nature; penalties.

1. A person who incites, entices or solicits a minor to engage in acts which constitute the infamous crime against nature:

(a) If the minor actually engaged in such acts as a result and:

(1) The minor was less than 14 years of age, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

(2) The minor was 14 years of age or older, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.

(b) If the minor did not engage in such acts:

(1) For the first offense, is guilty of a gross misdemeanor.

(2) For any subsequent offense, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.

2. As used in this section, the "infamous crime against nature" means anal intercourse, cunnilingus or fellatio between natural persons of the same sex. Any sexual penetration, however slight, is sufficient to complete the infamous crime against nature.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 418 to Senate Bill No. 388 provides that the crime of luring a child includes contacting or communicating with the person believed to be a child with the intent to solicit that person to engage in sexual conduct. It also removes the reference to "infamous crime against nature" and replaces it with a reference to "sexual activity."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 417.

"SUMMARY—Revises provisions relating to real property. (BDR ~~3-601~~ 9-601)"

"AN ACT relating to real property; authorizing the owner of a single-family dwelling to ~~bring an action under certain circumstances against the mortgagee or beneficiary of the deed of trust to determine the validity of the lien claimed by the mortgagee or beneficiary of the~~ request the servicer of a mortgage or deed of trust ~~to~~ to produce certified copies of certain loan-related documents under certain circumstances; authorizing the owner to report noncompliance to certain state regulatory bodies; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law regulates loans secured by mortgages or deeds of trust on real property and imposes certain requirements on lenders and servicers concerning those mortgages or deeds of trust. (Chapters 106 and 107 of NRS) Existing law also authorizes the Division of Mortgage Lending and the Division of Financial Institutions of the Department of Business and Industry to license and regulate certain lenders and servicers. (Chapters 645B, 645E and 645F of NRS, titles 55 and 56 of NRS)

This bill ~~provides~~ amends the respective statutory chapters governing mortgages and deeds of trust to provide that under certain circumstances, the owner of a single-family dwelling that is subject to a mortgage or deed of trust may submit a written request to the servicer of the mortgage or deed of trust for a certified copy of the note, the mortgage or deed of trust and each assignment of the mortgage or deed of trust. ~~Under this bill, if~~ If the servicer ~~of the mortgage or deed of trust~~ does not provide the requested documents within 60 days after receipt of ~~the~~ the request, or if those documents indicate that the mortgagee or beneficiary of the deed of trust does not have a recorded interest in or lien on the single-family dwelling, the owner may ~~bring an action to quiet title against~~ report the servicer and the mortgagee or beneficiary of the deed of trust. ~~If the owner prevails in the action, the court must issue an order declaring that the owner owns the single-family dwelling free and clear of any lien claimed by the mortgagee or beneficiary of the deed of trust and award to the owner actual damages, including, without limitation, attorney's fees.~~ to the Division of Mortgage Lending or the Division of Financial Institutions, whichever is appropriate, which may take whatever actions it deems necessary and proper, including enforcing any applicable laws or regulations or adopting any additional regulations.

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

Section 1. Chapter ~~106~~ 106 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~A mortgagor for a grantor of a deed of trust~~ may submit a written request to the servicer of the mortgage ~~for deed of trust~~ for a certified copy of the note, the mortgage ~~for deed of trust~~ and all assignments of the note and mortgage ~~for deed of trust~~ if:

(a) ~~The real property subject to the mortgage for deed of trust~~ is a single-family dwelling;

(b) ~~The mortgagor for grantor has been~~ is the owner of record of the real property; ~~for the immediately preceding 5 years;~~

(c) ~~The mortgagor for grantor~~ currently occupies the real property as his or her principal residence; and

(d) ~~The mortgagor or grantor is not delinquent in the payment of property taxes on the real property;~~

~~(e) The mortgagor or grantor has obtained a release of any liens imposed against the real property by a provider of utility services or a unit owners' association; and~~

~~(f) The servicer or mortgagee for beneficiary of the deed of trust is a banking or financial institution ~~or~~ or any other business entity that is licensed, registered or otherwise authorized to do business in this State.~~

2. If the servicer of the mortgage ~~for deed of trust~~ does not provide a certified copy of each document requested pursuant to subsection 1 within 60 days after receipt of the request, or if the documents provided by the servicer indicate that the mortgagee ~~for beneficiary of the deed of trust~~ does not have a recorded interest in or lien on the real property which is subject to the mortgage ~~for deed of trust, the mortgagor or grantor of the deed of trust may bring a quiet title action against the servicer and the mortgagee or beneficiary of the deed of trust, in the district court in the county in which the real property is located, if~~

~~(a) The real property subject to the mortgage or deed of trust is a single-family dwelling;~~

~~(b) The mortgagor or grantor has been the owner of record of the real property for the immediately preceding 5 years;~~

~~(c) The mortgagor or grantor currently occupies the real property as his or her principal residence;~~

~~(d) The mortgagor or grantor is not delinquent in the payment of property taxes on the real property;~~

~~(e) The mortgagor or grantor has obtained a release of any liens imposed against the real property by a provider of utility services or a unit owners' association; and~~

~~(f) The mortgagee or beneficiary of the deed of trust is a banking or financial institution.~~

~~3. If, in an action brought pursuant to subsection 2, the mortgagee or beneficiary of the deed of trust does not establish that it has a lien on the real property, the court shall:~~

~~(a) Issue an order declaring that the mortgagor or grantor owns the real property free and clear of any lien claimed by the mortgagee or beneficiary of the deed of trust.~~

~~(b) Award to the mortgagor or grantor of the deed of trust actual damages, including, without limitation, reasonable attorney's fees and costs.] :~~

(a) The mortgagor may report the servicer and the mortgagee to the Division of Mortgage Lending or the Division of Financial Institutions of the Department of Business and Industry, whichever is appropriate; and

(b) The appropriate division may take whatever actions it deems necessary and proper, including, without limitation, enforcing any applicable laws or regulations or adopting any additional regulations.

~~4. 3.~~ As used in this section ~~is~~

~~(a) "Banking", "banking or financial institution" [has the meaning ascribed to it in NRS 40.458.~~

~~(b) "Unit owners' association" has the meaning ascribed to it in NRS 116.011 or 116B.030.] means any bank, savings and loan association, savings bank, thrift company, credit union or other financial institution that is licensed, registered or otherwise authorized to do business in this State.~~

Sec. 2. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A grantor of a deed of trust may submit a written request to the servicer of the deed of trust for a certified copy of the note, the deed of trust and all assignments of the note and deed of trust if:

(a) The real property subject to the deed of trust is a single-family dwelling;

(b) The grantor is the owner of record of the real property;

(c) The grantor currently occupies the real property as his or her principal residence; and

(d) The servicer or beneficiary of the deed of trust is a banking or financial institution or any other business entity that is licensed, registered or otherwise authorized to do business in this State.

2. If the servicer of the deed of trust does not provide a certified copy of each document requested pursuant to subsection 1 within 60 days after receipt of the request, or if the documents provided by the servicer indicate that the beneficiary of the deed of trust does not have a recorded interest in or lien on the real property which is subject to the deed of trust:

(a) The grantor of the deed of trust may report the servicer and the beneficiary of the deed of trust to the Division of Mortgage Lending or the Division of Financial Institutions of the Department of Business and Industry, whichever is appropriate; and

(b) The appropriate division may take whatever actions it deems necessary and proper, including, without limitation, enforcing any applicable laws or regulations or adopting any additional regulations.

3. As used in this section, "banking or financial institution" has the meaning ascribed to it in section 1 of this act.

~~{Sec. 2.}~~ Sec. 3. This act becomes effective upon passage and approval.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 417 to Senate Bill No. 389 deletes the sections of the bill that provide if the servicer does not provide the requested documents within 60 days after receipt of the request or if the documents indicate that the mortgagee or beneficiary of the deed of trust does not have a lien on the single-family dwelling, the owner may bring an action to quiet title against the servicer and the mortgagee or beneficiary of the deed of trust. If the owner prevails in the action, the court is required to issue an order declaring that the owner owns the dwelling free and clear of any lien claimed by the parties to the action and award to the owner actual damages, including reasonable attorney's fees and costs.

Amendment No. 417 to Senate Bill No. 389 provides instead that if the servicer does not provide the requested documents within 60 days of receipt or if the documents indicate that the

mortgagee or beneficiary of the deed of trust does not have a recorded interest in or a lien on the single-family dwelling, the owner may report the servicer and the mortgagee or beneficiary of the deed of trust to the Division of Mortgage Lending or the Division of Financial Institutions, whichever is appropriate. The Divisions are authorized to take whatever actions they deem necessary and proper, including enforcing any applicable laws or regulations or adopting any additional regulations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 416.

~~"SUMMARY—[Enacts the Uniform Collateral Consequences of Conviction Act.]~~ Requires the Attorney General to prepare and publish certain information. (BDR 14-22)"

~~"AN ACT relating to criminal procedure; [enacting the Uniform Collateral Consequences of Conviction Act;]~~ requiring the Attorney General to prepare and publish certain information concerning the collateral consequences of a conviction; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~¶ This bill enacts the Uniform Collateral Consequences of Conviction Act. Sections 4, 5 and 8 of this bill define a collateral consequence of conviction as: (1) a legal disability that occurs by operation of law because of a conviction but is not part of the sentence for the crime; or (2) a disadvantage or disability that an administrative agency, civil court or other state actor other than a sentencing court is authorized, but not required, to impose based on a conviction.]~~

Section ~~[13]~~ 1 of this bill requires the Attorney General to prepare and publish a collection of the provisions of existing law which impose or authorize a collateral consequence of conviction and any provisions of existing law allowing relief from those collateral consequences. Section 1 defines a collateral consequence of conviction as: (1) a legal disability that occurs by operation of law because of a conviction but is not part of the sentence for the crime; or (2) a disadvantage or disability that an administrative agency, civil court or other state actor other than a sentencing court is authorized, but not required, to impose based on a conviction. Under section ~~[24]~~ 2 of this bill, the first such collection must be prepared on or before January 1, 2014, and under section ~~[13]~~ 1, the Attorney General must update the collection not later than 45 days after each regular legislative session. Section ~~[13]~~ 1 also requires the collection to be made available on the Internet not later than 14 days after it is created or updated.

~~¶ Sections 14 and 15 of this bill require notice of collateral consequences of conviction to be provided to a defendant during a criminal case. Section 14 requires the court to provide notice of collateral consequences at the time a person receives formal notice of criminal charges against him or her.~~

~~Sections 15 and 22 of this bill require certain information concerning collateral consequences to be provided at sentencing and before release from incarceration.~~

~~Section 16 of this bill allows a collateral consequence that is a legal disability occurring by operation of law as a result of a conviction to be imposed only by statute, ordinance or formally adopted regulation. Section 17 of this bill requires governmental decision makers to consider certain information when deciding whether to impose a legal disadvantage or disability that the decision maker is authorized, but not required, to impose based on a conviction.~~

~~Section 18 of this bill defines the judgments that constitute convictions for the purposes of imposing collateral consequences. Section 18 further prescribes the manner in which out of state convictions and juvenile adjudications will be used to impose collateral consequences in this State. Section 18 also excludes convictions which have been overturned or pardoned or which did not result in a final conviction because of diversion or deferred adjudication. Under section 18, if another state has granted certain types of relief from a conviction based on rehabilitation or the passage of time, that relief has the same effect in this State as in the other state, except that the relief does not remove the requirements for sex offender registration or the prohibition against certain convicted persons being employed as a peace officer.~~

~~Section 19 of this bill allows the sentencing court to provide, at the time of sentencing, relief from collateral consequences of conviction related to employment, education, housing, public benefits or occupational licensing. Under section 19, such relief lifts the automatic bar of a collateral consequence and leaves an agency free to consider on a case by case basis whether it is appropriate to deny the opportunity to an individual.~~

~~Section 12 of this bill provides that neither the provisions of this bill nor noncompliance with them are a basis for invalidating a plea or conviction, making a claim of ineffective assistance of counsel or suing anyone for money damages.]~~

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

Delete existing sections 1 through 25 of this bill and replace with the following new sections 1 through 3:

Section 1. Chapter 174 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Attorney General:

(a) Shall identify or cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(b) Shall prepare or cause to be prepared a collection of citations to, and the text or short descriptions of, the provisions identified under paragraph (a);

(c) Shall update or cause to be updated the collection within 45 days after each regular session of the Legislature; and

(d) In complying with paragraphs (a) and (b), may rely on the study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

2. The Attorney General shall include or cause to be included the following statements in a prominent manner at the beginning of the collection required by subsection 1:

(a) This collection has not been enacted into law and does not have the force of law.

(b) An error or omission in this collection, or in any reference work cited in this collection, is not a reason for invalidating a plea, conviction or sentence or for not imposing a collateral sanction or authorizing a disqualification.

(c) The laws of other jurisdictions and local governments in this State which impose additional collateral sanctions and authorize additional disqualifications are not included in this collection.

(d) This collection does not include any law or other provision regarding the imposition of or relief from a collateral sanction or a disqualification enacted or adopted after the date on which the collection was prepared or last updated.

3. The Attorney General shall publish or cause to be published the collection prepared and updated as required by subsection 1. If available, the Attorney General shall also publish or cause to be published, as part of this collection, the title and Internet address of the most recent collection of:

(a) Collateral consequences imposed by federal law; and

(b) Any provision of federal law that may afford relief from a collateral consequence.

4. The collection described in subsection 3 must be made available to the public on the Internet without charge not later than 14 days after it is prepared or updated.

5. As used in this section:

(a) "Collateral consequence" means a collateral sanction or a disqualification.

(b) "Collateral sanction" means a penalty, disability or disadvantage, however denominated, imposed on a person as a result of the person's conviction of an offense which applies by operation of law whether or not the penalty, disability or disadvantage is included in the judgment or sentence. The term does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, administrative assessment or costs of prosecution.

(c) "Conviction" includes, without limitation, an adjudication of delinquency by a court having jurisdiction over juveniles.

(d) "Disqualification" means a penalty, disability or disadvantage, however denominated, that an administrative agency, governmental official or court in a civil proceeding is authorized, but not required, to impose on a person on grounds relating to the person's conviction of an offense.

(e) "Offense" means a felony, gross misdemeanor or misdemeanor or a delinquent act for which a child may be adjudicated delinquent under the laws of this State, another state or the United States.

Sec. 2. On or before January 1, 2014, the Attorney General shall prepare or cause to be prepared the collection required by paragraph (b) of subsection 1 of section 1 of this act.

Sec. 3. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval for the purposes of preparing and publishing the collection required by section 1 of this act, and on January 1, 2014, for all other purposes.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 416 to Senate Bill No. 395 deletes all sections of the bill except those relating to the preparation by the Attorney General of a publication of existing laws which impose or authorize collateral consequences of conviction and any provisions of existing law allowing relief from those collateral consequences. It provides a definition for a collateral consequence of conviction.

Amendment adopted.

Senator Smith moved that Senate Bill No. 395 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Senate Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 436.

"SUMMARY—Revises provisions governing tourism improvement districts. (BDR 21-139)"

"AN ACT relating to tourism improvement districts; prohibiting, with limited exceptions, the pledge of the proceeds of certain taxes to finance a project within a tourism improvement district created or revised on or after July 1, 2013; revising provisions relating to certain reports prepared by the Department of Taxation; prohibiting the financing or reimbursement of certain projects that include the relocation of certain retail facilities to a tourism improvement district; prohibiting, with limited exceptions, the financing or reimbursement from the proceeds of certain taxes that are collected from any retail facilities of a retailer that, on or after July 1, 2013,

locate within the boundary of a tourism improvement district; making various other changes relating to tourism improvement districts; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes the governing body of any city or county to create a tourism improvement district (TID) and to pledge revenue from several sales and use taxes imposed in that district to finance certain projects within the district. The projects may be owned by the municipality, another governmental entity or any person and may be financed through the issuance of bonds or the entry into agreements for the reimbursement of the costs of the projects. (Chapter 271A of NRS) Section 1 of this bill prohibits, with limited exceptions, a municipality from pledging the proceeds of ~~certain taxes~~ the Local School Support Tax to finance a project within a TID created or revised on or after July 1, 2013. Sections 1.5, 2.3, 2.7 and 3.5 of this bill make conforming changes.

Section 1 also authorizes a municipality to create a TID that includes within its boundaries any property that is included in a redevelopment area but prohibits using the financing and reimbursement mechanisms of both the TID and the redevelopment area for a project.

Existing law requires the Department of Taxation to prepare and submit to the Legislature and a municipality that creates a TID semiannual reports regarding businesses within the TID. (NRS 271A.105) Section 2 of this bill requires the report to provide information separately for each TID within the municipality unless the reporting of information separately for each TID would disclose or result in the disclosure of information about an individual business, in which case section 2 requires the report to provide information in the aggregate. Section 2 also provides that the Department of Taxation is not required to prepare and submit a semiannual report if the report cannot be prepared and submitted in a manner which would not disclose or lead to the disclosure of information about an individual business.

Existing law prohibits, with respect to a TID created on or after July 1, 2011, the financing of or reimbursement for a project that includes the relocation within the TID of a retailer from another location within 3 miles outside of the boundary of the TID. (NRS 271A.125) Section 3 of this bill prohibits the financing of or reimbursement for a project that includes the relocation of a retailer to a TID from another location outside of the TID and within ~~(the county)~~ 15 miles of the boundaries of the TID if the relocation occurs within 6 months after closing the location outside of the TID. Section 3 also prohibits any financing or reimbursement from the proceeds of the Local School Support Tax that are collected from retail facilities that, on or after July 1, 2013, locate within the boundary of the TID. Section 3 further provides ~~(an exception to this prohibition)~~ exceptions to these prohibitions if the governing body of the municipality, with respect to any district created before July 1, 2013, obtains an opinion from independent bond counsel

stating that the applicability of the provision would impair an existing contract for the sale of bonds that were issued before July 1, 2013.

Section 3 also requires an owner of a project to provide, upon request, to the Department of Taxation information that identifies the retail facilities which open or close within the project.

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

Section 1. NRS 271A.070 is hereby amended to read as follows:

271A.070 1. Except as otherwise provided in this section and NRS 271A.080, the governing body of a municipality may:

(a) Create a tourism improvement district for the purposes of carrying out this chapter and revise the boundaries of the district by adopting an ordinance describing the boundaries of the district and generally describing the types of projects which may be financed within the district pursuant to this chapter.

(b) Without any election, acquire, improve, equip, operate and maintain a project within a district created pursuant to paragraph (a). The project may be owned by the municipality, another governmental entity, any other person, or any combination thereof.

(c) For the purposes of carrying out paragraph (b), include in an ordinance adopted pursuant to paragraph (a) the pledge of a single percentage specified in the ordinance, which must not exceed 75 percent, of:

(1) An amount equal to the proceeds of the taxes imposed pursuant to NRS 372.105 and 372.185 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of a sum equal to 1.75 percent of the amount of those proceeds;

(2) The amount of the proceeds of the taxes imposed pursuant to NRS 374.110 and 374.190 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year, after the deduction of 0.75 percent of the amount of those proceeds; and

(3) The amount of the proceeds of the tax imposed pursuant to NRS 377.030 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the improvement district during a fiscal year, after the deduction of 1.75 percent of the amount of those proceeds.

2. *The governing body of a municipality may not include in an ordinance adopted to create or revise the boundaries of a district pursuant to paragraph (a) of subsection 1 on or after July 1, 2013, the pledge of any proceeds described in subparagraph (2) of paragraph (c) of subsection 1. The provisions of this subsection do not apply to the governing body of a municipality with respect to any district created before July 1, 2013, if the governing body obtains an opinion from independent bond counsel stating that the applicability of this provision would impair an existing contract for the sale of bonds which were issued before July 1, 2013.*

3. A district created pursuant to this section by:

(a) A city must be located entirely within the boundaries of that city.

(b) A county must be located entirely within the boundaries of that county and, when the district is created, entirely outside of the boundaries of any city.

~~{3.}~~ 4. If any property within the boundaries of a district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650, the total amount of money pledged pursuant to this section and NRS 271.650 with respect to such property by all such districts must not exceed the amount authorized pursuant to this section.

~~{4.}~~ 5. ~~{The}~~ *If the governing body of a municipality ~~{shall not, after October 1, 2009, create}~~ creates a tourism improvement district that includes within its boundaries any property included within the boundaries of a redevelopment area established pursuant to chapter 279 of NRS ~~{1.}, the governing body or an agency shall not provide any financing or reimbursement related to any project or redevelopment project pursuant to the provisions of both NRS 271A.120 and 279.610 to 279.685, inclusive.~~*
As used in this subsection:

(a) "Agency" has the meaning ascribed to it in NRS 279.386.

(b) "Redevelopment project" has the meaning ascribed to it in NRS 279.412.

Sec. 1.5. NRS 271A.080 is hereby amended to read as follows:

271A.080 The governing body of a municipality shall not adopt an ordinance pursuant to NRS 271A.070 unless:

1. If the ordinance:

(a) Creates a district, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within the district on or within the 120 days immediately preceding the date of the adoption of the ordinance; or

(b) Amends the boundaries of the district to add any additional area, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within that area on or within 120 days immediately preceding the date of the adoption of the ordinance.

2. The governing body has made a written finding at a public hearing that the project will benefit the district.

3. The governing body has made a written finding at a public hearing, based upon reports from independent consultants which were addressed to the governing body ~~{,}~~ and to the board of county commissioners, if the governing body is not the board of county commissioners for the county in which the tourism improvement district is or will be located, ~~{and to the board of trustees of the school district in which the tourism improvement district is or will be located,}~~ as to whether the project and the financing thereof pursuant to this chapter will have a positive fiscal effect on the provision of local governmental services, after considering:

(a) The amount of the proceeds of all taxes and other governmental revenue projected to be received as a result of the properties and businesses expected to be located in the district;

(b) The use of any money proposed to be pledged pursuant to NRS 271A.070;

(c) Any increase in costs for the provision of local governmental services, including, without limitation, services for education, including operational and capital costs, and services for police protection and fire protection, as a result of the project and the development of land within the district; and

(d) Estimates of any increases in the proceeds from sales and use taxes collected by retailers located outside of the district and of any displacement of the proceeds from sales and use taxes collected by those retailers, as a result of the properties and businesses expected to be located in the district.

↪ The reports required from independent consultants pursuant to this subsection must be obtained from independent consultants selected by the governing body from a list of independent consultants provided by the Commission on Tourism. For the purposes of this subsection, the Commission shall, upon the request of a governing body, provide the governing body with a list of at least three qualified independent consultants, each of whom must be located outside of this State.

4. ~~The governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of trustees of the school district in which the tourism improvement district is or will be located:~~

~~(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and~~

~~(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 on the provision of local governmental services, including education.~~

↪ ~~After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of trustees shall conduct a hearing regarding the fiscal effect on the school district, if any, of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body shall consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to NRS 271A.110.~~

5. ~~↪~~ If the governing body is not the board of county commissioners for the county in which the tourism improvement district is or will be located, the governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of county commissioners in the county in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 on the provision of local governmental services.

➔ After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of county commissioners may conduct a hearing regarding the fiscal effect on local governmental services, if any, of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body may consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to NRS 271A.110.

~~{6.}~~ 5. The governing body has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:

(a) As a result of the project:

(1) Retailers will locate their businesses as such in the district; and

(2) There will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district; and

(b) A preponderance of that increase in the proceeds from sales and use taxes will be attributable to transactions with tourists who are not residents of this State.

~~{7.}~~ 6. The Commission on Tourism has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that a preponderance of the increase in the proceeds from sales and use taxes identified pursuant to subsection ~~{6.}~~ 5 will be attributable to transactions with tourists who are not residents of this State.

~~{8.} The Governor has determined that the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 will contribute significantly to economic development and tourism in this State. Before making that determination, the Governor:~~

~~(a) Must consider the fiscal effects of the pledge of money on educational funding, including any fiscal effects described in comments provided pursuant to subsection 4 by the school district in which the tourism improvement district is or will be located, and for that purpose may require the Department of Education or the Department of Taxation, or both, to provide an appropriate fiscal report; and~~

~~(b) If the Governor determines that the pledge of money will have a substantial adverse fiscal effect on educational funding, may require a commitment from the municipality for the provision of specified payments to~~

~~the school district in which the tourism improvement district is or will be located during the term of the use of any money pledged pursuant to NRS 271A.070. The payments may be provided pursuant to agreements with owners of property within the district authorized by NRS 271A.110 or from sources other than the owners of property within the district. Such a commitment by a municipality is not subject to the limitations of subsection 1 of NRS 354.626 and, notwithstanding any other law to the contrary, is binding on the municipality for the term of the use of any money pledged pursuant to NRS 271A.070.~~

~~9.1~~ 7. If any property within the boundaries of the district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650, all of the governing bodies which created those districts have entered into an interlocal agreement providing for:

(a) The apportionment of any money pledged pursuant to NRS 271.650 and 271A.070 with respect to such property; and

(b) The priority of the application of that money between:

(1) Bonds issued pursuant to chapter 271 of NRS; and

(2) Bonds and notes issued, and agreements entered into, pursuant to NRS 271A.120.

➔ Any such agreement for the priority of the application of that money may be made irrevocable during the term of any bonds issued pursuant to chapter 271 of NRS to which all or any portion of that money is pledged, or during the term of any bonds or notes issued or any agreements entered into pursuant to NRS 271A.120 to which all or any portion of that money is pledged.

Sec. 2. NRS 271A.105 is hereby amended to read as follows:

271A.105 1. On or before September 1 of each year, the governing body of a municipality that creates a district before, on or after July 1, 2011, shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, an annual report containing:

(a) A statement of the status of each project located or expected to be located in the district, and of any changes in that status since the last annual report.

(b) An assessment of the financial impact of the district on the provision of local governmental services, including, without limitation, services for police protection and fire protection.

2. If the governing body of a municipality creates a district before, on or after July 1, 2011, the Department of Taxation shall:

(a) On or before April 1 and October 1 of each year, *except as otherwise provided in subsection 3*, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, and to the governing body of the municipality a semiannual report which states:

(1) The amount of revenue from the taxable sales made each month by ~~each business~~ *the businesses* within the district;

(2) To the extent that the pertinent information is available, the portion of that revenue which is attributable to persons who are not residents of this State;

(3) The amount of the wages paid each month by ~~each business~~ *the businesses* within the district; and

(4) The number of full-time and part-time employees employed each month by ~~each business~~ *the businesses* within the district.

➤ *The report must provide the information separately for each district in the municipality unless reporting the information separately would disclose or result in the disclosure of information about an individual business, in which case the report must provide the information in the aggregate.*

(b) Require each business within the district to report to the Department of Taxation, at such times as the Department may specify on a form provided by the Department, such information as the Department determines to be necessary to carry out the provisions of paragraph (a).

3. ~~Except as otherwise provided in subsection 2 or another specific statute, the~~ *The Department of Taxation [shall not disclose any information reported to the Department pursuant to subsection 2.] is not required to prepare and submit a report pursuant to paragraph (a) of subsection 2 if the report cannot be prepared in a manner which would not disclose or result in the disclosure of information about an individual business.*

4. As used in this section, "taxable sales" means any sales that are taxable pursuant to chapter 372 of NRS.

Sec. 2.3. NRS 271A.110 is hereby amended to read as follows:

271A.110 1. The governing body of a municipality may, except as otherwise provided in subsection 2, enter into an agreement with one or more of the owners of any interest in property within a district, pursuant to which that owner would agree to make payments to the municipality or to another local government that provides services in the district, or to both, to defray, in whole or in part, the cost of local governmental services during the term of the use of any money pledged pursuant to NRS 271A.070. Such an agreement must specify the amount to be paid by the owner of the property interest, which may be stated as a specified amount per year or as an amount based upon any formula upon which the municipality and owner agree.

2. The governing body of a municipality shall not enter into an agreement pursuant to subsection 1 unless ~~it~~

~~(a) The~~ *the* governing body has made a written finding pursuant to subsection 3 of NRS 271A.080 that the project and the use of any money pledged pursuant to NRS 271A.070 will not have a positive fiscal effect on the provision of local governmental services. ~~for~~

~~(b) The Governor requires a commitment from the municipality for the provision of specified payments to the school district in which the district is~~

~~located during the term of the use of any money pledged pursuant to NRS 271A.070.]~~

Sec. 2.7. NRS 271A.120 is hereby amended to read as follows:

271A.120 1. Except as otherwise provided in this section, if the governing body of a municipality adopts an ordinance pursuant to NRS 271A.070, the municipality may:

(a) Issue, at one time or from time to time, bonds or notes as special obligations under the Local Government Securities Law to finance or refinance projects for the benefit of the district. Any such bonds or notes may be secured by a pledge of, and be payable from, any money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district, any revenue received by the municipality from any revenue-producing projects in the district, or any combination thereof.

(b) Enter into an agreement with one or more governmental entities or other persons to reimburse that entity or person for the cost of acquiring, improving or equipping, or any combination thereof, any project, which may contain such terms as are determined to be desirable by the governing body of the municipality, including the payment of reasonable interest and other financing costs incurred by such entity or other person. Any such reimbursements may be secured by a pledge of, and be payable from, any money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district, any revenue received by the municipality from any revenue-producing projects in the district, or any combination thereof. Such an agreement is not subject to the limitations of subsection 1 of NRS 354.626 and may, at the option of the governing body, be binding on the municipality beyond the fiscal year in which it was made, only if the agreement pertains solely to one or more projects that are owned by the municipality or another governmental entity.

2. The governing body of a municipality shall not, with respect to any district created before, on or after July 1, 2011, provide any financing or reimbursement pursuant to this section:

(a) Except as otherwise provided in this paragraph, to any governmental entity for any project within the district if any nongovernmental entity is or was entitled to receive any financing or reimbursement from the municipality pursuant to this section under the original financing agreements for the initial projects within the district. This paragraph does not prohibit the provision of such financing or reimbursement to ~~the~~

~~(1) A school district; or~~

~~(2) A~~ a governmental entity that is or was entitled to receive such financing or reimbursement under the original financing agreements for the initial projects within the district.

(b) To any person or other entity for any project within the district, other than a person or other entity that is or was entitled to receive such financing or reimbursement from the municipality under the original financing agreements for the initial projects within the district, without the consent of

all the persons and other entities that were entitled to receive such financing or reimbursement under the original financing agreements for the initial projects within the district.

3. Before the issuance of any bonds or notes pursuant to this section, the municipality must obtain the results of a feasibility study, commissioned by the municipality, which shows that a sufficient amount will be generated from money pledged pursuant to NRS 271A.070 to make timely payment on the bonds or notes, taking into account the revenue from any other revenue-producing projects also pledged for the payment of the bonds or notes, if any. A failure to make payments of any amounts due:

- (a) With respect to any bonds or notes issued pursuant to subsection 1; or
- (b) Under any agreements entered into pursuant to subsection 1,

↪ because of any insufficiency in the amount of money pledged pursuant to NRS 271A.070 to make those payments shall be deemed not to constitute a default on those bonds, notes or agreements.

4. No bond, note or other agreement issued or entered into pursuant to this section may be secured by or payable from the general fund of the municipality, the power of the municipality to levy ad valorem property taxes, or any source other than any money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district, any revenue received by the municipality from any revenue-producing projects in the district, or any combination thereof. No bond, note or other agreement issued or entered into pursuant to this section may ever become a general obligation of the municipality or a charge against its general credit or taxing powers, nor may any such bond, note or other agreement become a debt of the municipality for purposes of any limitation on indebtedness.

5. Any bond or note issued pursuant to this section, including any bond or note issued to refund any such bond or note, must mature on or before, and any agreement entered pursuant to this section must automatically terminate on or before, the end of the fiscal year in which the 20th anniversary of the adoption of the ordinance creating the district occurs.

Sec. 3. NRS 271A.125 is hereby amended to read as follows:

271A.125 ~~{The}~~

1. *The governing body of a municipality:*

~~{1.}~~ (a) Shall require the review of each claim submitted pursuant to any contract or other agreement made with the governing body to provide any financing or reimbursement pursuant to NRS 271A.120, by an independent auditor.

~~{2.}~~ (b) Shall not ~~{, with respect to any district created on or after July 1, 2011,}~~ ~~{provide}~~ :

(1) *Provide* any financing or reimbursement pursuant to NRS 271A.120 for:

~~{(a)}~~ ~~{(1) Any}~~

(I) With respect to any district created on or after July 1, 2011, any legal fees, accounting fees, costs of insurance, fees for legal notices or costs to amend any ordinances.

~~[(b)] ~~[(2)]~~ (II) Any project that includes the relocation [on or after July 1, 2011,] to the district of any retail facilities of a retailer from another location outside of and within [3] 15 miles of the boundary of the district [.] ~~and within the county in which the district is located.~~ if the relocation occurs within 6 months after the facilities located outside of the boundary of the district are closed. Each pledge of money pursuant to NRS 271A.070 shall be deemed to exclude any amounts attributable to any tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year by a retailer who, on or after July 1, [2011,] 2013, relocates any of its retail facilities to the district from another location outside of and within [3] 15 miles of the boundary of the district [.] ~~and within the county where the district is located.~~ if the relocation occurs within 6 months after the facilities located outside of the boundary of the district are closed.~~

(2) Provide any financing or reimbursement pursuant to NRS 271A.120 from the proceeds of the taxes described in subparagraph (2) of paragraph (c) of subsection 1 of NRS 271A.070 that are collected from any retail facilities of a retailer which, on or after July 1, 2013, locates within the boundary of a district.

2. The provisions of sub-subparagraph (II) of subparagraph (1) of paragraph (b) of subsection 1 and subparagraph (2) of paragraph (b) of subsection 1 do not apply to the governing body of a municipality with respect to any district created before July 1, 2013, if the governing body obtains an opinion from independent bond counsel stating that the applicability of ~~the~~ those provisions ~~of paragraph (b) of subsection 1~~ would impair an existing contract for the sale of bonds that were issued before July 1, 2013.

3. The owner of a project shall, upon request, provide to the Department of Taxation information that identifies the retail facilities that open or close within the project.

Sec. 3.5. 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 to the extent that the money would have been transferred to that fund, if not for the pledge of the money pursuant to that ordinance, pursuant to paragraph (e) 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~~ and the Commission on Tourism ~~and Governor~~ in the manner required to satisfy the requirements of subsections 5 and 6 ~~5, 7 and 8~~ of NRS 271A.080,

➔ and after the provision of notice to and an opportunity to make comments ~~by the board of trustees of the school district in which the tourism improvement district is located in accordance with subsection 4 of NRS 271A.080 and, if applicable,~~ by the board of county commissioners of the county in which the tourism improvement district is located in accordance with subsection ~~5~~ 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. 4. This act becomes effective on July 1, 2013.

Senator Smith moved the adoption of the amendment.

Remarks by Senator Smith.

Thank you, Mr. President. Amendment No. 436 to Senate Bill No. 406 clarifies that the bill's prohibition on dedicating Local School Support Tax proceeds to finance a Tourism Improvement District do not apply with respect to any district created before July 1, 2013, if the prohibition would impair an existing bond sale contract for bonds issued prior to that date. It allows a municipality to create a Tourism Improvement District within a redevelopment area, but prohibits the use of financing and reimbursement from both the Tourism Improvement District and the redevelopment area for the same project, in other words, no double dipping.

Amendment No. 436 to Senate Bill No. 406 prohibits a retailer from closing a location within 15 miles of a newly created Tourism Improvement District and relocating to the new Tourism Improvement District within six months of the closure. It requires a Tourism Improvement District project owner, upon request, to provide the Department of Taxation with identifying information for businesses that open or close within the project.

Amendment adopted.

Senator Smith moved that Senate Bill No. 406 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Senate Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 562.

"SUMMARY—Revises provisions governing the statewide performance evaluation system for teachers and administrators. (BDR 34-143)"

"AN ACT relating to education; revising provisions governing the policies for the evaluation of teachers and school-based administrators; requiring the State Board of Education to prescribe the pupil achievement data to be used in the evaluation of teachers and school-based administrators; requiring the Teachers and Leaders Council of Nevada to make recommendations to the State Board concerning the evaluation of counselors, librarians and other licensed educational personnel; temporarily delaying the implementation of a program of performance pay and enhanced compensation for teachers and administrators by school districts; temporarily delaying the implementation of the statewide performance evaluation system and providing for a validation study of the system for teachers and school-based administrators ~~[during the 2013-2014 school year]~~ and a validation study for counselors, librarians and other licensed educational personnel ~~[during the 2014-2015 school year]~~; authorizing a school district to submit an application to the Department of Education to opt out of the delay of the implementation of the statewide performance evaluation system for its teachers and school-based

administrators; making ~~an appropriation;~~ appropriations; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a program of performance pay and enhanced compensation for licensed teachers and administrators and requires each board to implement the program commencing with the 2014-2015 school year. (NRS 391.168) Section 2 of this bill delays the implementation of the program to the 2015-2016 school year.

Existing law requires that, effective July 1, 2013, the policies for the evaluation of teachers and administrators must: (1) designate an employee's overall performance as "highly effective," "effective," "minimally effective" or "ineffective"; and (2) provide that certain information on pupil achievement data maintained by the automated system of accountability information for Nevada must account for at least 50 percent of the ~~evaluations;~~ evaluation. (NRS 391.3125, 391.3127) Sections 4, 5 and 10 of this bill change the source of the pupil achievement data, upon which 50 percent of the ~~evaluations are;~~ evaluation is based, to data prescribed by the State Board of Education. Sections 4 and 5 also set forth an observation schedule for the evaluation of teachers and administrators based upon the evaluation designation of the employee in the immediately preceding school year. In addition, sections 4 and 5 provide that pupil achievement data must not be used in the evaluation of a probationary teacher or probationary administrator in his or her initial year of employment, with the exception of a postprobationary teacher or administrator who is deemed to be a probationary employee. Section 5 further provides that the policy for the evaluation of administrators applies only to those administrators who primarily provide administrative services at the school level and who do not primarily provide direct instructional services to pupils.

~~f. Existing law requires, effective July 1, 2013, that a postprobationary employee who receives an evaluation designating his or her overall performance as "minimally effective" or "ineffective" for 2 consecutive school years to serve an additional probationary period. (NRS 391.3129) Section 7 of this bill extends the implementation of this provision to the 2014-2015 school year.~~

Under existing law, the Teachers and Leaders Council of Nevada is required to make recommendations to the State Board for the establishment of the statewide performance evaluation system for teachers and administrators. (NRS 391.450-391.465) Section 9 of this bill requires the Council to also: (1) make recommendations to the State Board for the evaluation of school counselors, librarians and other licensed educational personnel ~~f.;~~ ; and (2) develop and recommend to the State Board a process for peer evaluations of teachers by qualified educational personnel. Section 16 of this bill makes an appropriation to the Teachers and Leaders Council of Nevada for costs associated with the work of the Council.

Sections ~~[17-21]~~ 16.3-22 of this bill address the period during which the new statewide performance evaluation system will be implemented. ~~[For]~~ Section 19 provides for a validation study of the statewide performance evaluation system for the 2013-2014 school year, with a representative sample of teachers and school-based administrators selected by the Department of Education in consultation with the participating school districts. Sections 17-18.7 provide that for the 2013-2014 school year, all teachers, ~~[and]~~ and administrators, ~~[and]~~ who are employed by school districts that participate in the validation study and all counselors, librarians and other licensed educational personnel employed by ~~[a]~~ each school district will be evaluated in accordance with the system for evaluations pursuant to which employees are designated as "satisfactory" or "unsatisfactory." ~~[During the 2013-2014 school year and 2014-2015 school year, each school district is required to participate in a validation study of portions of the new statewide performance evaluation system. For the 2013-2014 school year, the Department of Education, in consultation with the 17 school districts, is required to select a representative sample of teachers and school-based administrators to undergo evaluations under the new statewide performance evaluation system, in addition to being evaluated under the "satisfactory" or "unsatisfactory" system. Commencing with the 2014-2015 school year, all teachers and school-based administrators employed by a school district will be evaluated pursuant to the new statewide performance evaluation system.]~~ Section 16.5 authorizes a school district to submit an application to the Department of Education to opt out of the delay of the statewide performance evaluation system and implement the system for its teachers and administrators commencing with the 2013-2014 school year. Section 16.5 further provides that if such an application is approved by the Department, the school district must not participate in the validation study for its teachers and school-based administrators. Section 16.3 makes an appropriation to the Interim Finance Committee for distribution in the second year of the biennium for use by the regional training programs for the professional development of teachers and administrators to implement the statewide performance evaluation system. Section 16.3 also requires the Department of Education, on or before August 1, 2014, to submit a report of the results of the validation study and the Department's determination of whether all school districts are prepared to implement the statewide performance evaluation system for the 2014-2015 school year. Section 16.3 further requires the Interim Finance Committee to make a determination whether all school districts are prepared to implement the statewide performance evaluation system for the 2014-2015 school year. If the Interim Finance Committee determines that all school districts are prepared: (1) all school districts that participated in the validation study shall implement the statewide performance evaluation system for its teachers and school-based administrators commencing with the 2014-2015 school year; and (2) the Interim Finance Committee shall distribute up to the full amount of the

appropriation for use by the regional training programs. If the Interim Finance Committee determines that all school districts are not prepared: (1) a second validation study of the statewide performance evaluation system for teachers and school-based administrators must be conducted for the 2014-2015 school year; and (2) the Interim Finance Committee shall distribute up to 75 percent of the appropriation for use by the regional training programs. Section 16.7 authorizes a school district that participated in the validation study for the 2013-2014 school year to submit an application to the Department of Education to opt out of the delay of the statewide performance evaluation system and implement the system for its teachers and school-based administrators commencing with the 2014-2015 school year. For the 2014-2015 school year, the Department of Education, in consultation with the 17 school districts, is required to select a representative sample of counselors, librarians and other licensed educational personnel, except for teachers and administrators, to undergo evaluations under the new statewide performance evaluation system in addition to being evaluated under the "satisfactory" or "unsatisfactory" system. Commencing with the 2015-2016 school year, all counselors, librarians and other licensed educational personnel are required to be evaluated pursuant to the new statewide performance evaluation system. Sections 19 and 21 ~~for this bill~~ prohibit the basing of any decisions regarding an employee's suspension, demotion, dismissal or refusal to reemploy upon the evaluations conducted as part of either validation study.

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

Section 1. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➔ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. ~~[The information]~~ ~~[Information]~~ Except as otherwise provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS 391.3127, information on pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465, must account for at least 50 percent, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher or other employee.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

- (c) Prescribe the format for the data;
- (d) Prescribe the date by which each school district shall report the data to the Department;
- (e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;
- (f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;
- (g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:
 - (1) Individual pupils;
 - (2) Individual teachers;
 - (3) Individual schools and school districts; and
 - (4) Programs and financial information;
- (h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and
- (i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 1.5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

On or before August 1 of each year, the board of trustees of each school district shall submit a report to the State Board and the Teachers and Leaders Council of Nevada created by NRS 391.455 concerning the implementation and effectiveness of the process for peer evaluations of teachers set forth in the regulations adopted by the State Board pursuant to

paragraph (f) of subsection 2 of NRS 391.465, including, without limitation, any recommendations for revisions to the process of peer evaluations.

Sec. 2. NRS 391.168 is hereby amended to read as follows:

391.168 1. The board of trustees of each school district shall:

(a) Establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators which must be negotiated pursuant to chapter 288 of NRS; and

(b) Commencing with the ~~[2014-2015]~~ 2015-2016 school year, implement the program established pursuant to paragraph (a).

2. The program of performance pay and enhanced compensation established by a school district pursuant to subsection 1 must have as its primary focus the improvement in the academic achievement of pupils and must give appropriate consideration to implementation in at-risk schools. In addition, the program may include, without limitation, the following components:

(a) Career leadership advancement options to maximize the retention of teachers in the classroom and the retention of administrators;

(b) Professional development;

(c) Group incentives; and

(d) Multiple assessments of individual teachers and administrators, with primary emphasis on individual pupil improvement and growth in academic achievement, including, without limitation, portfolios of instruction, leadership and professional growth, and other appropriate measures of teacher and administrator performance which must be considered.

Sec. 3. NRS 391.3115 is hereby amended to read as follows:

391.3115 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3197, inclusive, do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

2. The admonition, demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3194, inclusive, do not apply to:

(a) A probationary teacher. The policy for evaluations prescribed in NRS 391.3125 and 391.3128 applies to a probationary teacher.

(b) A new employee who is employed as a probationary administrator ~~[.]~~ *primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.* The policy for evaluations prescribed in NRS 391.3127 and 391.3128 applies to *such* a probationary administrator.

3. The admonition, demotion and suspension provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a postprobationary teacher who is employed as a probationary administrator *primarily to provide administrative services at the school level and not primarily to provide direct instructional*

services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal, with respect to his or her employment in the administrative position. The policy for evaluations prescribed in NRS 391.3127 and 391.3128 applies to *such* a probationary administrator.

4. The provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.

5. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.311 to 391.3197, inclusive, for demotion, suspension or dismissal apply to them.

Sec. 4. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. The policy must set forth a means according to which an employee's overall performance is determined to be highly effective, effective, minimally effective or ineffective. ~~[The]~~ Except as otherwise provided in subsection 9, the policy must require that ~~[the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650]~~ pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465, account for at least 50 percent of the evaluation. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated. ~~[on forms developed specifically for their respective specialties.]~~ A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. ~~[A conference and a written evaluation for a probationary employee must be concluded not later than:~~

- (a) ~~December 1;~~
- (b) ~~February 1; and~~
- (c) ~~April 1;~~

~~→ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60 minute evaluation period consisting of at least 45 consecutive minutes.~~

~~4. Except as otherwise provided in this subsection, each postprobationary teacher must be evaluated at least once each year.] The person charged with the evaluation of a teacher pursuant to this section shall hold a conference with the teacher before and after each scheduled observation of the teacher during the school year.~~

4. A probationary teacher must be evaluated three times during each school year of his or her probationary employment. Each evaluation must include at least one scheduled observation of the teacher during the school year as follows:

- (a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;
- (b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and
- (c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

5. If a postprobationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary teacher must be evaluated three times in the immediately succeeding school year ~~[- An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60 minute evaluation period consisting of at least 30 consecutive minutes.] in accordance with the observation schedule set forth in subsection 4.~~ If a postprobationary teacher is evaluated three times in a school year and he or she receives an evaluation designating his or her overall performance as minimally effective or ineffective on the first or second evaluation, or both evaluations, the postprobationary teacher may request that the third evaluation be conducted by another administrator. If a postprobationary teacher requests that his or her third evaluation be conducted by another administrator, that administrator must be:

- (a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

~~[5.]~~ 6. *If a postprobationary teacher receives an evaluation designating his or her overall performance as effective, the postprobationary teacher must be evaluated one time in the immediately succeeding school year. The evaluation must include at least two scheduled observations as follows:*

(a) *The first scheduled observation must occur within 80 days after the first day of instruction of the school year; and*

(b) *The second scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.*

7. *If a postprobationary teacher receives an evaluation designating his or her overall performance as highly effective, the postprobationary teacher must be evaluated one time in the immediately succeeding school year. The evaluation must include at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.*

8. *The evaluation of a probationary teacher or a postprobationary teacher pursuant to this section must comply with the regulations of the State Board adopted pursuant to NRS 391.465, which must include, without limitation:*

(a) *An evaluation of the ~~classroom management skills of the teacher;~~*

~~(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;~~

~~(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;~~

~~(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;~~

~~(e) instructional practice of the teacher in the classroom;~~

(b) *An evaluation of the professional responsibilities of the teacher to support learning and promote the effectiveness of the school community;*

(c) ~~4.1.1~~ *Except as otherwise provided in subsection 9, an evaluation of the performance of pupils enrolled in the school;*

(d) *An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;*

~~[(f) If necessary, recommendations]~~

(e) *Recommendations for improvements in the performance of the teacher;*

~~[(g)]~~ (f) *A description of the action that will be taken to assist the teacher in ~~correcting any deficiencies reported in the evaluation;~~ the areas of instructional practice, professional responsibilities and the performance of pupils; and*

~~[(h)]~~ (g) *A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.*

~~[6.]~~ 9. *The evaluation of a probationary teacher in his or her initial year of employment as a probationary teacher must not include an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.3129.*

10. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to ~~[correct those deficiencies]~~ *improve his or her performance based upon the recommendations* reported in the evaluation of the teacher ~~[for which the teacher requests assistance.]~~

Sec. 5. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. *The policy must provide for the evaluation of those administrators who provide primarily administrative services at the school level and who do not provide primarily direct instructional services to pupils, regardless of whether such an administrator is licensed as a teacher or administrator, including, without limitation, a principal and a vice principal.* The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. The policy must set forth a means according to which an administrator's overall performance is determined to be highly effective, effective, minimally effective or ineffective. ~~[The]~~ *Except as otherwise provided in subsection 8, the policy must require that* ~~[the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650]~~ *pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465, account for at least 50 percent of the evaluation.* The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. ~~[Each administrator must be evaluated in writing at least once a year.~~

~~3.]~~ *The person charged with the evaluation of an administrator pursuant to this section shall hold a conference with the administrator before and after each scheduled observation of the administrator during the school year.*

3. *A probationary administrator must be evaluated three times during each school year of his or her probationary employment. Each evaluation must include at least one scheduled observation of the probationary administrator during the school year as follows:*

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

4. If a postprobationary administrator receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary administrator must be evaluated three times in the immediately succeeding school year in accordance with the observation schedule set forth in subsection 3. If a postprobationary administrator is evaluated three times in a school year and he or she receives an ~~unsatisfactory~~ evaluation designating his or her overall performance as minimally effective or ineffective on the first or second evaluation, or both evaluations, the postprobationary administrator may request that the third evaluation be conducted by another administrator. If a postprobationary administrator requests that his or her third evaluation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary administrator from a list of three candidates submitted by the superintendent.

5. If a postprobationary administrator receives an evaluation designating his or her overall performance as effective, the postprobationary administrator must be evaluated one time in the immediately succeeding school year. The evaluation must include at least two scheduled observations as follows:

(a) The first scheduled observation must occur within 80 days after the first day of instruction of the school year; and

(b) The second scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

6. If a postprobationary administrator receives an evaluation designating his or her overall performance as highly effective, the postprobationary administrator must be evaluated one time in the immediately succeeding school year. The evaluation must include at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

7. The evaluation of an administrator pursuant to this section must comply with the regulations of the State Board adopted pursuant to NRS 391.465, which must include, without limitation:

(a) An evaluation of the instructional leadership practices of the administrator at the school;

(b) An evaluation of the professional responsibilities of the administrator to support learning and promote the effectiveness of the school community;

(c) ~~And~~ Except as otherwise provided in subsection 8, an evaluation of the performance of pupils enrolled in the school;

(d) *An evaluation of whether the administrator employs practices and strategies to involve and engage the parents and families of pupils enrolled in the school;*

(e) *Recommendations for improvements in the performance of the administrator; and*

(f) *A description of the action that will be taken to assist the administrator in the areas of instructional leadership practice, professional responsibilities and the performance of pupils.*

8. *The evaluation of a probationary administrator in his or her initial year of probationary employment must not include an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.3129.*

9. Each probationary administrator is subject to the provisions of NRS 391.3128 and 391.3197.

~~[4.]~~ ~~10.]~~ 10. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 6. NRS 391.3128 is hereby amended to read as follows:

391.3128 1. If a written evaluation of a probationary teacher, or a probationary administrator *who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal,* designates the overall performance of the teacher or administrator as "minimally effective" or "ineffective":

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive a 'minimally effective' or 'ineffective' evaluation on the first or second evaluation, or both evaluations for this school year, ~~and if you have another evaluation remaining this school year,~~ you may request that the third evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in ~~correcting the deficiencies,~~ improving your performance based upon the recommendations reported in the evaluation for which you request assistance, and upon such

request, a reasonable effort will be made to assist you in ~~correcting those deficiencies.~~ improving your performance."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator *to which subsection 1 applies* requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator *to which subsection 1 applies* requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in correcting those deficiencies.

Sec. 7. ~~NRS 391.3129 is hereby amended to read as follows:~~

~~391.3129 [A] Commencing with the 2014-2015 school year, a postprobationary employee who receives an evaluation designating his or her overall performance as:~~

~~1. If evaluated pursuant to NRS 391.3125 or 391.3127, as applicable:~~

~~(a) Minimally effective;~~

~~(b) Ineffective; or~~

~~(c) Minimally effective during 1 year of the 2-year consecutive period and ineffective during the other year of the period; or~~

~~2. If evaluated pursuant to any other system of evaluation, any designation which indicates that the overall performance of the employee is below average,~~

~~for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.311 to 391.3197, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.3197. (Deleted by amendment.)~~

Sec. 8. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first, second and third school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify the probationary employee in writing on or before May 1 in the first or second year of the probationary period does not entitle the employee to

postprobationary status. The employee must advise the board in writing on or before May 10 of the first, second or third year of the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in the first, second and third years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.

3. A probationary employee who:

- (a) Completes a 3-year probationary period;
 - (b) Receives a designation of "highly effective" or "effective" on each of his or her performance evaluations for 2 consecutive school years; and
 - (c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period,
- ➡ is entitled to be a postprobationary employee in the ensuing year of employment.

4. If a probationary employee is notified that the employee will not be reemployed for the school year following the 3-year probationary period, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

5. A new employee who is employed as an administrator *to provide primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal*, or a postprobationary teacher who is employed as an administrator *to provide those administrative services* shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year probationary period as an administrator in accordance with the provisions of this section. If:

- (a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year of his or her probationary period; and
 - (b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,
- ➡ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person

may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

6. An administrator who has completed his or her probationary period pursuant to subsection 5 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 5, the administrator must serve the remainder of his or her probationary period pursuant to subsection 5 or an additional probationary period of 1 year in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

7. If a probationary employee receives notice that he or she will be dismissed before the completion of the current school year, the probationary employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization.

Sec. 8.5. NRS 391.450 is hereby amended to read as follows:

391.450 As used in NRS 391.450 to 391.465, inclusive, and section 1.5 of this act, "Council" means the Teachers and Leaders Council of Nevada created by NRS 391.455.

Sec. 9. NRS 391.460 is hereby amended to read as follows:

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, ~~and~~ administrators *who provide primarily administrative services at the school level and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal, counselors, librarians and other licensed educational personnel* employed by school districts are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil achievement data as required by NRS ~~386.650 and~~ 391.465;

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers , ~~and~~ administrators , *counselors, librarians and other licensed educational personnel* throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers , ~~and~~ administrators *to which paragraph (a) applies, counselors, librarians and other licensed educational personnel* and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers , ~~and~~ administrators ~~;~~ , *counselors, librarians and other licensed educational personnel*; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 10. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;
- (2) Effective;
- (3) Minimally effective; or
- (4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) ~~Require~~ *Except as otherwise provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS 391.3127, require that the information maintained pursuant to paragraphs (e), (d) and (e) of subsection 1 of NRS 386.650* pupil achievement data account for at least 50 percent of the evaluation.

(d) *Prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c).*

(e) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.

(f) Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

Sec. 11. Section 22 of chapter 379, Statutes of Nevada 2011, at page 2298, is hereby amended to read as follows:

Sec. 22. The board of trustees of each school district shall:

1. Commencing with the ~~[2013-2104]~~ ~~[2014-2015]~~ 2013-2014 school year, implement and carry out the policies for evaluations of teachers and administrators required by NRS 391.3125, as amended by section 14 of this act, NRS 391.3127, as amended by section 16 of this act, NRS 391.3197, as amended by section 19.5 of this act, and section 20 of this act.

2. Commencing with the 2013-2014 ~~[2014-2015]~~ school year, implement and carry out section 20.5 of this act. ~~[if, and only if, Assembly Bill No. 225 of this session is enacted by the Legislature and becomes effective.]~~

3. Commencing with the ~~[2014-2015]~~ 2015-2016 school year, implement and carry out the program of performance pay and enhanced compensation established by the board of trustees pursuant to section 8 of this act.

Sec. 12. Section 23 of chapter 379, Statutes of Nevada 2011, at page 2298, is hereby amended to read as follows:

Sec. 23. 1. This section and sections 1 to 7, inclusive, 9 to 13, inclusive, 15, 17, 18, 19, 19.6, 19.7, 19.8, 21 and 22 of this act become effective on July 1, 2011.

2. Sections 8, 14, 16, ~~19.5 [and], 20 and 20.5~~ of this act become effective on July 1, 2013.

~~[3.] [Section 20.5 of this act becomes effective on July 1, 2013, if, and only if, Assembly Bill No. 225 of this session is enacted by the Legislature and becomes effective.] [Sections 19.5 and 20 of this act become effective on July 1, 2014.]~~

Sec. 13. Section 12 of chapter 487, Statutes of Nevada 2011, at page 3095, is hereby amended to read as follows:

Sec. 12. On or before ~~[June 1,]~~ *August 15, 2013*, the State Board of Education shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this act, adopt regulations establishing a statewide performance evaluation system for teachers and administrators that complies with section 7 of this act.

Sec. 14. ~~[Section 15 of chapter 487, Statutes of Nevada 2011, at page 3095, is hereby amended to read as follows:~~

~~Sec. 15. 1. This section and sections 3 to 8, inclusive, 9, 10.3, 10.5 and 11 to 14, inclusive, of this act become effective on July 1, 2011.~~

~~2. Sections 1, 2, 8.5 [,] and 9.5 [, 10 and 10.4] of this act become effective on July 1, 2013.~~

~~3. Sections 10 and 10.4 of this act become effective on July 1, 2014.] (Deleted by amendment.)~~

Sec. 15. Section 21 of chapter 379, Statutes of Nevada 2011, at page 2298, is hereby repealed.

Sec. 16. 1. There is hereby appropriated from the State General Fund to the Department of Education ~~[the sum of \$50,000]~~ for the costs associated with the work of the Teachers and Leaders Council of Nevada created by NRS 391.455 required by the provisions of this act ~~[.]~~ the following sums:

For the Fiscal Year 2013-2014 \$50,000

For the Fiscal Year 2014-2015 \$50,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of [the appropriation made by subsection 1] those sums must not be committed for expenditure after June 30, 2015, by the Department of Education 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, 2015, by either the Department of Education 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, 2015.

Sec. 16.3 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$1,315,000 for distribution in

accordance with this section to the Clark County School District, the Elko County School District and the Washoe County School District, which serve as fiscal agents for the regional training programs for the professional development of teachers and administrators pursuant to NRS 391.512.

2. On or before August 1, 2014, the Department of Education shall submit a report to the Interim Finance Committee which includes, without limitation:

(a) An assessment of the results of the validation study of the statewide performance evaluation system conducted pursuant to section 19 of this act;

(b) The effectiveness of each school district that participated in the validation study in implementing the statewide performance evaluation system; and

(c) The determination of the Department whether all school districts that participated in the validation study are prepared, commencing with the 2014-2015 school year, to implement the statewide performance evaluation system for all of its teachers and administrators.

3. On or before August 15, 2014, the Interim Finance Committee shall review the report submitted by the Department of Education pursuant to subsection 2 and make a determination whether all school districts that participated in the validation study are prepared to implement the statewide performance evaluation system for all of its teachers and administrators commencing with the 2014-2015 school year.

4. If the Interim Finance Committee determines that all school districts which participated in the validation study are prepared to implement, during the 2014-2015 school year, the statewide performance evaluation system:

(a) All school districts that participated in the validation study shall implement the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, for its teachers and administrators commencing with the 2014-2015 school year and each school year thereafter.

(b) The Interim Finance Committee shall distribute not more than \$1,315,000 from the appropriation made by subsection 1 to the Clark County School District, the Elko County School District and the Washoe County School District for use by the regional training programs for the professional development of teachers and administrators to implement the statewide performance evaluation system.

5. If the Interim Finance Committee determines that all school districts that participated in the validation study are not prepared to implement, during the 2014-2015 school year, the statewide performance evaluation system:

(a) Except as otherwise provided in section 16.7 of this act, all school districts that participated in the validation study shall comply with the policies for the evaluations of teachers and administrators prescribed by sections 17 and 18 of this act for the 2014-2015 school year and also participate in a second validation study of the statewide performance evaluation system for that school year pursuant to section 19 of this act.

(b) The Interim Finance Committee shall distribute not more than \$986,250 from the appropriation made by subsection 1 to the Clark County School District, the Elko County School District and the Washoe County School District for use by the regional training programs for the professional development of teachers and administrators to implement the statewide performance evaluation system.

6. On or before September 1, 2014, the Department of Education shall provide notice to the board of trustees of each school district concerning the determination made by the Interim Finance Committee pursuant to subsection 3.

7. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, 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, 2015, 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, 2015.

8. As used in this section, "administrator" means an administrator employed by a school district who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

Sec. 16.5. 1. The board of trustees of a school district that is prepared, commencing with the 2013-2014 school year, to implement the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, for its teachers and administrators and does not want to delay the implementation of the evaluation system may submit an application on a form prescribed by the Department of Education which includes information demonstrating that the school district is prepared to implement the statewide performance evaluation system for all of its teachers and administrators and any other information requested by the Department.

2. Upon review of the application submitted pursuant to subsection 1, the Department of Education may approve the application if the Department determines that the school district is prepared to implement the statewide performance evaluation system commencing with the 2013-2014 school year and each school year thereafter.

3. A school district whose application is approved by the Department pursuant to subsection 2 must not participate in the validation study of the statewide performance evaluation system conducted pursuant to section 19 of this act during the 2013-2014 school year and, if applicable, the 2014-2015 school year.

4. As used in this section, "administrator" means an administrator employed by a school district who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

Sec. 16.7. 1. If the Interim Finance Committee makes a determination pursuant to section 16.3 of this act that all school districts which participated in the validation study pursuant to section 19 of this act are not prepared to implement the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, the board of trustees of a school district that participated in the validation study and that is prepared, commencing with the 2014-2015 school year, to implement the statewide performance evaluation system for its teachers and administrators and does not want to delay the implementation of the evaluation system may submit an application on a form prescribed by the Department of Education which includes information demonstrating that the school district is prepared to implement the evaluation system for all of its teachers and administrators and any other information requested by the Department.

2. Upon review of the application submitted pursuant to subsection 1, the Department of Education may approve the application if the Department determines that the school district is prepared to implement the statewide performance evaluation system commencing with the 2014-2015 school year.

3. A school district whose application is approved by the Department pursuant to subsection 2 must not participate in the validation study of the statewide performance evaluation system conducted pursuant to section 19 of this act for the 2014-2015 school year.

4. As used in this section, "administrator" means an administrator employed by a school district who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

Sec. 17. 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district. ~~For~~ Except as otherwise provided in section 16.5 of this act, for the 2013-2014 school year, the board of trustees of each school district shall comply with the policy for the evaluation of teachers, counselors, librarians and other licensed educational personnel, except for administrators, as set forth in this section. For the 2014-2015 school year, the board of trustees of each school district shall comply with the policy for the evaluation of counselors, librarians and other licensed educational personnel, except for teachers and administrators, as set forth in this section.

2. Except as otherwise provided in sections 16.5 and 16.7 of this act, if the Interim Finance Committee makes a determination pursuant to section 16.3 of this act that all school districts which participated in the

validation study of the statewide performance evaluation system pursuant to section 19 of this act are not prepared to implement the evaluation system, the board of trustees of each school district shall, for the 2014-2015 school year, comply with the policy for the evaluation of teachers as set forth in this section.

3. Each board of trustees, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board of trustees. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board of trustees must be filed with the Department of Education. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

~~{3.}~~ 4. A conference and a written evaluation for a probationary employee must be concluded not later than:

- (a) December 1;
- (b) February 1; and
- (c) April 1,

↪ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board of trustees. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

~~{4.}~~ 5. Except as otherwise provided in this subsection, each postprobationary teacher must be evaluated at least once each year. If a postprobationary teacher receives an unsatisfactory evaluation, the postprobationary teacher must be evaluated three times in the immediately succeeding school year. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes. If a postprobationary teacher is evaluated three times in a school year and he or

she receives an unsatisfactory evaluation on the first or second evaluation, or both evaluations, the postprobationary teacher may request that the third evaluation be conducted by another administrator. If a postprobationary teacher requests that his or her third evaluation be conducted by another administrator, that administrator must be:

- (a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and
- (b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

~~§ 6.~~ 6. The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

- (a) An evaluation of the classroom management skills of the teacher;
- (b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;
- (c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;
- (d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;
- (e) If necessary, recommendations for improvements in the performance of the teacher;
- (f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and
- (g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

~~§ 7.~~ 7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 18. 1. ~~For~~ Except as otherwise provided in section 16.5 of this act, for the 2013-2014 school year, the board of trustees of each school district shall comply with the policy for the evaluation of administrators as set forth in this section. Except as otherwise provided in sections 16.5 and 16.7 of this act, if the Interim Finance Committee makes a determination pursuant to section 16.3 of this act that all school districts which participated in the validation study of the statewide performance evaluation system pursuant to section 19 of this act are not prepared to implement the evaluation system, the board of trustees of each school district shall, for the

2014-2015 school year, comply with the policy for the evaluation of administrators as set forth in this section.

2. Each board of trustees, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board of trustees. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board of trustees must be filed with the Department of Education and made available to the Commission on Professional Standards in Education.

3. Each administrator must be evaluated in writing at least once a year.

4. Each probationary administrator is subject to the provisions of NRS 391.3128 and 391.3197.

5. Before a superintendent of a school district transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board of trustees by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board of trustees shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board of trustees is final.

Sec. 18.5. 1. If a written evaluation of a probationary teacher or probationary administrator who is employed by a school district that conducts evaluations pursuant to sections 17 and 18 of this act for the 2013-2014 school year or the 2014-2015 school year, or both, designates the overall performance of the teacher or administrator as "unsatisfactory":

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive an 'unsatisfactory' evaluation on the first or second evaluation, or both evaluations for this school year, and if you have another evaluation remaining this school year, you may request that the evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in correcting those deficiencies.

Sec. 18.7. 1. The provisions of this section apply to probationary employees who are employed by a school district that conducts evaluations pursuant to sections 17 and 18 of this act for the 2013-2014 school year or the 2014-2015 school year, or both, for each school year that the school district conducts evaluations pursuant to those sections.

2. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years.

3. The board shall notify each probationary employee in writing on or before May 1 of the first, second and third school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify the probationary employee in writing on or before May 1 in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing on or before May 10 of the first, second or third year of the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in the first, second and third years of the employee's probationary period, not later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment

for another year. Failure to advise the board of the employee's acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.

4. A probationary employee who:

(a) Completes a 3-year probationary period;

(b) Receives a designation of "satisfactory" on each of his or her performance evaluations for 2 consecutive school years; and

(c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period.

↪ is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that the employee will not be reemployed for the school year following the 3-year probationary period, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

6. A new employee who is employed as an administrator or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year probationary period as an administrator in accordance with the provisions of this section. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

↪ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his or her probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 6, the administrator must serve the remainder of his or her probationary period pursuant to subsection 6 or an additional probationary period of 1 year in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a

contract, the person shall be deemed to have rejected the offer of employment.

8. If a probationary employee receives notice that he or she will be dismissed before the completion of the current school year, the probationary employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization.

Sec. 19. 1. Except as otherwise provided by section 16.5 of this act, each school district shall participate in the validation study of the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, for the 2013-2014 school year. Except as otherwise provided in sections 16.5 and 16.7 of this act, if the Interim Finance Committee makes a determination pursuant to section 16.3 of this act that all school districts which participated in the validation study of the statewide performance evaluation system for the 2013-2014 school year are not prepared to implement the evaluation system, those school districts must participate in a second validation study of the evaluation system for the 2014-2015 school year.

2. On or before August 1, 2013, and, if applicable, on or before August 1, 2014, the Department of Education shall, in consultation with the boards of trustees of the ~~(17)~~ school districts ~~that~~ that do not have an application approved by the Department to opt out of the delay of the implementation of the statewide performance evaluation system pursuant to section 16.5 or 16.7 of this act, as applicable, select a representative sample of teachers and administrators for a validation study of the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act. The administrators selected for the validation study must provide primarily administrative services at the school level and not provide primarily direct instructional services to pupils, regardless of whether such an administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal. Each school district shall participate in the validation study.

~~(2)~~ 3. For the 2013-2014 school year ~~that~~ and, if applicable, for the 2014-2015 school year:

(a) Some evaluations of teachers and administrators pursuant to the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, will be conducted as set forth in this section for purposes of a validation study concurrently with the evaluations required by sections 17 and 18 of this act, as applicable.

(b) Decisions regarding the suspension, demotion, dismissal and refusal to reemploy must not be based upon any results of the evaluations conducted pursuant to this section for purposes of the validation study.

~~{3-}~~ 4. The teachers who are selected for the validation study must be evaluated in accordance with section 17 of this act and in accordance with the policy for evaluations set forth in NRS 391.3125, as amended by section 4 of this act.

~~{4-}~~ 5. The administrators who are selected for the validation study must be evaluated in accordance with section 18 of this act and in accordance with the policy for evaluations set forth in NRS 391.3127, as amended by section 5 of this act.

Sec. 20. 1. ~~{For}~~ If a validation study is not conducted pursuant to section 19 of this act for the 2014-2015 school year, each postprobationary teacher and administrator who is employed by a school district that participated in the validation study during the 2013-2014 school year must be evaluated during the 2014-2015 school year pursuant to NRS 391.3125 or 391.3127, as amended by sections 4 and 5 of this act, respectively, and must, as part of the evaluation, be observed at least two times as follows:

(a) The first observation must occur within 80 days after the first day of instruction of the school year; and

(b) The second observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. For the 2015-2016 school year and each school year thereafter, each postprobationary teacher and administrator who is evaluated pursuant to NRS 391.3125 or 391.3127, as amended by sections 4 and 5 of this act, respectively, must, as part of the evaluation, be observed in accordance with the observation schedule set forth in NRS 391.3125 or 391.3127, as applicable, based upon the designation of the overall performance of the employee for the 2014-2015 school year.

Sec. 20.5. 1. If a validation study is conducted pursuant to section 19 of this act for the 2014-2015 school year, each postprobationary teacher and administrator who is employed by a school district that participated in the validation study for that school year must be evaluated during the 2015-2016 school year pursuant to NRS 391.3125 or 391.3127, as amended by sections 4 and 5 of this act, respectively, and must, as part of the evaluation, be observed at least two times as follows:

(a) The first observation must occur within 80 days after the first day of instruction of the school year; and

(b) The second observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. For the 2016-2017 school year and each school year thereafter, each postprobationary teacher and administrator who is evaluated pursuant to NRS 391.3125 or 391.3127, as amended by sections 4 and 5 of this act, respectively, must, as part of the evaluation, be observed in accordance with the observation schedule set forth in NRS 391.3125 or 391.3127, as applicable, based upon the designation of the overall performance of the employee for the 2015-2016 school year.

Sec. 21. 1. On or before August 1, 2014, the Department of Education shall, in consultation with the boards of trustees of the 17 school districts, select a representative sample of counselors, librarians and other licensed educational personnel, except for teachers and administrators, for a validation study of the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act. Each school district shall participate in the validation study.

2. *For the 2014-2015 school year:*

(a) *The evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, pursuant to the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, will be conducted as set forth in this section for purposes of a validation study concurrently with the evaluations required by section 17 of this act.*

(b) *Decisions regarding the suspension, demotion, dismissal and refusal to reemploy must not be based upon any results of the evaluations conducted pursuant to this section for purposes of the validation study.*

3. *The counselors, librarians and other licensed educational personnel who are selected for the validation study must be evaluated in accordance with section 17 of this act and in accordance with the policy for evaluations set forth in NRS 391.3125, as amended by section 4 of this act.*

Sec. 22. Commencing with the 2015-2016 school year, the board of trustees of each school district shall implement and carry out the policy for evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, required by NRS 391.3125, as amended by section 4 of this act.

Sec. 23. 1. This section and section 16 of this act become effective upon passage and approval.

2. Sections 1 to 15, inclusive, and ~~16.1~~ 16.3 to 22, inclusive, of this act become effective on July 1, 2013.

TEXT OF REPEALED SECTION

Section 21 of chapter 379, Statutes of Nevada 2011:

Sec. 21. The provisions of section 9 of this act, NRS 391.311 to 391.3125, inclusive, as amended by sections 10 to 13, inclusive, of this act, NRS 391.3127, as amended by section 15 of this act, NRS 391.313, as amended by section 17 of this act, NRS 391.317, as amended by section 18 of this act, and NRS 391.3197, as amended by section 19 of this act, apply to all:

1. Teachers who are initially employed by a school district on or after July 1, 2011.
2. A new employee who is hired by a school district as an administrator on or after July 1, 2011.
3. A postprobationary teacher who is employed as an administrator on or after July 1, 2011.

Senator Smith moved the adoption of the amendment.

Remarks by Senator Smith.

Thank you, Mr. President. Amendment No. 562 makes various changes to Senate Bill No. 407 which is a comprehensive bill concerning the teacher evaluation system. Amendment No. 562 allows the board of trustees of a school district to opt out of the delayed implementation specified in the bill based on certain provisions. It provides that pupil achievement data must not be used in the evaluation of a probationary employee for the first year of an employee's probationary period. The amendment allows for peer reviewers to conduct evaluations, including collecting data. It also makes an appropriation of \$1,315,000 for the second year of the Biennium to the Interim Finance Committee for distribution to the school districts that serve as fiscal agents for the Regional Training Programs. Finally, it includes a piece about a validation study of the four-tier evaluation system.

Amendment adopted.

Senator Smith moved that Senate Bill No. 407 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Senate Bill No. 416.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 419.

"SUMMARY—Revises provisions governing gaming. (BDR 41-1104)"

"AN ACT relating to gaming; providing certain restrictions governing restricted licenses to operate gaming; revising provisions governing the operation of race books or sports pools; requiring the Gaming Policy Committee to study certain issues relating to restricted licenses; making an appropriation; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law: (1) defines a "restricted license" as a state gaming license to operate not more than 15 slot machines at an establishment in which the operation of slot machines is incidental to the primary business of the establishment; and (2) provides that such a license may only be granted to the operator of the primary business or to a licensed operator of a slot machine route. (NRS 463.0189, 463.161) Section 1 of this bill clarifies that a restricted license means a state gaming license for the operation of not more than 15 slot machines and which does not include a race book or sports pool. Section 3 of this bill provides that, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), a restricted license may only be granted at certain establishments if the establishment contains: (1) a minimum of 2,500 square feet of space available for patrons; (2) a permanent, physical bar; and (3) a restaurant which meets certain requirements.

Existing law: (1) prohibits certain actions relating to gaming without procuring and maintaining the required licensure; and (2) provides that a single establishment may not contain more than one licensed operation unless the establishment holds a nonrestricted gaming license. (NRS 463.160, 463.245) Existing law also defines: (1) "race book" as the business of

accepting pari-mutuel wagers upon the outcome of an event held at a track; and (2) "sports pool" as the business of accepting wagers on sporting events by any system or method of wagering. (NRS 463.01858, 463.0193) Section 2 of this bill provides that a separate license is required for each location of a race book or sports pool, and further provides that certain activities relating to the acceptance and payment of wagers and transactions in person or through mechanical means, such as a kiosk or similar device, are considered within the operation of a race book or sports pool. Section 4 of this bill clarifies that the exception to the single license at one establishment only applies to those nonrestricted licenses at an establishment with 16 or more slot machines or at an establishment with any number of slot machines together with any other game, gaming device, race book or sports pool.

Existing law establishes the Gaming Policy Committee and authorizes the Governor to call meetings of the Committee for the purpose of discussing matters of gaming policy. (NRS 463.021) Section 5 of this bill requires the Committee to: (1) study issues regarding the compliance of certain establishments with a restricted gaming license with the provisions of section 3 of this act; and (2) submit a report to the Nevada Gaming Commission and the State Gaming Control Board.

Section 7 of this bill provides that the provisions of this bill prohibiting the granting of restricted licenses, unless the establishment meets certain criteria, apply prospectively to new restricted licenses issued on or after July 1, 2013. Section ~~5~~ 7 further provides that certain establishments, which were granted a restricted license before July 1, 2013, must comply with the requirement to contain a permanent bar with a certain number of slot machines embedded in the bar upon the earlier of: (1) a change in ownership of the business or the transfer of 50 percent or more of the stock or other ownership interest; or (2) July 1, 2015. Establishments which were granted a gaming license before December 22, 1990, and which have been operating at the same location since that date, are not required to comply with the requirement associated with a permanent bar. Finally, section ~~5~~ 7 provides that an establishment that was granted a restricted gaming license before July 1, 2013, does not need to occupy at least 2,500 square feet or have a restaurant unless the establishment ceases operation for 18 or more consecutive months.

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

Section 1. NRS 463.0189 is hereby amended to read as follows:

463.0189 "Restricted license" or "restricted operation" means a state gaming license for, or an operation consisting of, not more than 15 slot machines and no other game or gaming device, *race book or sports pool* at an establishment in which the operation of slot machines is incidental to the primary business of the establishment.

Sec. 2. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 4 and NRS 463.172, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, inter-casino linked system, mobile gaming system, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, mobile gaming system, race book or sports pool;

(e) To operate as a cash access and wagering instrument service provider; or

(f) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

➡ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. The licensure of an operator of an inter-casino linked system is not required if:

(a) A gaming licensee is operating an inter-casino linked system on the premises of an affiliated licensee; or

(b) An operator of a slot machine route is operating an inter-casino linked system consisting of slot machines only.

3. Except as otherwise provided in subsection 4, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, inter-casino linked system, mobile gaming system, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

4. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

5. *For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:*

(a) *Allowing patrons to establish an account for wagering with the race book or sports pool;*

(b) *Accepting wagers from patrons;*

(c) *Allowing patrons to place wagers;*

(d) *Paying winning wagers to patrons; or*

(e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

↪ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

6. As used in this section, "affiliated licensee" has the meaning ascribed to it in NRS 463.430.

Sec. 3. NRS 463.161 is hereby amended to read as follows:

463.161 1. A license to operate 15 or fewer slot machines at an establishment in which the operation of slot machines is incidental to the primary business conducted at the establishment may only be granted to the operator of the primary business or to a licensed operator of a slot machine route.

2. *In a county whose population is 100,000 or more, a license to operate 15 or fewer slot machines at an establishment which is licensed to sell alcoholic beverages at retail by the drink to the general public may only be granted if the establishment meets the requirements of this subsection. The establishment must:*

(a) Occupy an area comprised of at least 2,500 square feet which is open and available for use by patrons.

(b) Contain a permanent, physical bar, into which are embedded:

(1) At least eight slot machines, if there are more than eight slot machines in the establishment.

(2) All the slot machines, if there are eight or fewer slot machines in the establishment.

(c) Contain a restaurant which:

(1) Serves food ordered by patrons from tables or booths.

(2) Includes a dining area with seating for at least 25 persons in a room separate from the on-premise kitchen. For the purposes of determining the number of seats pursuant to this subparagraph, the stools at the bar or the seats outside the dining area must not be counted.

(3) Includes a kitchen which is operated not less than 12 hours each day the establishment is open for business to the public, or the entire time the establishment is open for business to the public if it is open for business 12 hours or less each day.

3. As used in this section:

(a) "Bar" means a physical structure with a flat horizontal counter, on one side of which alcoholic beverages are kept and maintained, where seats may be placed on the side opposite from where the alcohol is kept, and where the sale and service of alcoholic beverages are by the drink across such structure.

(b) *"Restaurant" means a public place where hot meals are prepared and served on the premises.*

Sec. 4. NRS 463.245 is hereby amended to read as follows:

463.245 1. Except as otherwise provided in this section:

(a) All licenses issued to the same person, including a wholly owned subsidiary of that person, for the operation of any game, including a sports pool or race book, which authorize gaming at the same establishment must be merged into a single gaming license.

(b) A gaming license may not be issued to any person if the issuance would result in more than one licensed operation at a single establishment, whether or not the profits or revenue from gaming are shared between the licensed operations.

2. A person who has been issued a nonrestricted gaming license *for an operation described in subsection 1 ~~for~~ 2 or 5 of NRS 463.0177* may establish a sports pool or race book on the premises of the establishment ~~[at which the person conducts a nonrestricted gaming operation]~~ only after obtaining permission from the Commission.

3. A person who has been issued a license to operate a sports pool or race book at an establishment may be issued a license to operate a sports pool or race book at ~~[another]~~ *a second establishment described in subsection 1 or 2 of NRS 463.0177 only* if the second establishment is operated by a person who has been issued a nonrestricted license ~~[]~~ *for that establishment. A person who has been issued a license to operate a race book or sports pool at an establishment is prohibited from operating a race book or sports pool at:*

(a) *An establishment for which a restricted license has been granted; or*

(b) *An establishment at which only a nonrestricted license has been granted for an operation described in subsection 3 or 4 of NRS 463.0177.*

4. ~~[Nothing]~~ *A person who has been issued a license to operate a race book or sports pool shall not enter into an agreement for the sharing of revenue from the operation of the race book or sports pool with another person except:*

(a) *An affiliated licensed race book or sports pool; or*

(b) *The licensee of an establishment at which the race book or sports pool holds or obtains a license to operate pursuant to this section.*

➡ *This subsection does not prohibit an operator of a race book or sports pool from entering into an agreement with another person for the provision of shared services relating to advertising or marketing.*

5. *Nothing in this section limits or prohibits an operator of an inter-casino linked system from placing and operating such a system on the premises of two or more gaming licensees and receiving, either directly or indirectly, any compensation or any percentage or share of the money or property played from the linked games in accordance with the provisions of this chapter and the regulations adopted by the Commission. An inter-casino linked system must not be used to link games other than slot machines,*

unless such games are located at an establishment that is licensed for games other than slot machines.

~~{5-}~~ 6. *For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:*

(a) Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) Accepting wagers from patrons;

(c) Allowing patrons to place wagers;

(d) Paying winning wagers to patrons; or

(e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

↪ whether by a transaction in person at an establishment or through mechanical means such as a kiosk or other similar device, regardless of whether that device would otherwise be considered associated equipment.

7. The provisions of this section do not apply to a license to operate a mobile gaming system or to operate interactive gaming.

Sec. 5. 1. The Gaming Policy Committee created pursuant to NRS 463.021, with the assistance of the State Gaming Control Board, shall conduct a study of any establishments that have been granted a restricted license by the Nevada Gaming Commission to determine the level of compliance of those establishments with the provisions of NRS 463.161, as amended by section 3 of this act.

2. The study required pursuant to this section must include an analysis of the economic impact of the provisions of section 7 of this act on establishments that have been granted a restricted license by the Commission, but which are not in compliance with the provisions of paragraph (b) of subsection 2 of NRS 463.161, as amended by section 3 of this act.

3. On or before June 1, 2014, the Committee shall submit to the Commission and the Board a report of the results of the study and any recommendations for legislation.

Sec. 6. 1. There is hereby appropriated from the State General Fund to the State Gaming Control Board the sum of \$15,000 for assistance in conducting the study required pursuant to section 5 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, by the Board 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, 2015, by either the Board 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, 2015.

~~[Sec. 5.]~~ *Sec. 7.* 1. Except as otherwise provided in this section, the amendatory provisions of section 3 of this act apply to the issuance of a restricted license on or after July 1, 2013.

2. Except as otherwise provided in subsection 3, an establishment that has been granted a restricted license by the Nevada Gaming Commission before July 1, 2013, but which is not in compliance with the provisions of paragraph (b) of subsection 2 of NRS 463.161, as amended by section 3 of this act, must come into compliance with those provisions upon the earlier of:

(a) A change of ownership of the business or the transfer of 50 percent or more of the stock or other ownership interest in the entity owning the business; or

(b) July 1, 2015.

3. An establishment which was granted a gaming license before December 22, 1990, and which has been operating at the same location since that date is not required to comply with the provisions of paragraph (b) of subsection 2 of NRS 463.161, as amended by section 3 of this act.

4. An establishment that has been granted a restricted license by the Commission before July 1, 2013, but which is not in compliance with the provisions of paragraph (a) or (c) of subsection 2 of NRS 463.161, as amended by section 3 of this act, is not required to come into compliance with those provisions unless the establishment ceases gaming operations for 18 or more consecutive months.

5. The Commission shall not renew the restricted license of an establishment that does not come into compliance with the amendatory provisions of section 3 of this act within the time required by this section.

6. This act applies to all race books, sports pools and associated equipment in existence on July 1, 2013.

~~[Sec. 6.]~~ *Sec. 8.* This act becomes effective on July 1, 2013.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 419 to Senate Bill No. 416 revises Section 4, Subsection 2 of the bill to read "Subsection 1, 2 or 5 of NRS 463.0177" instead of "Subsection 1 or 2 of NRS 463.0177." This change authorizes a mobile gaming licensee to obtain a sports book license at an establishment, which is currently authorized by the Nevada Gaming Commission. It requires the Gaming Policy Committee to study issues regarding the compliance of certain establishments with a restricted gaming license with the provisions of this measure and submit a report of findings to the Nevada Gaming Commission and the State Gaming Control Board.

Amendment adopted.

Senator Smith moved that Senate Bill No. 416 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

Senate Bill No. 418.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 425.

"SUMMARY—Revises provisions relating to ~~pari-mutuel wagering;~~ the acceptance of wagers on certain events. (BDR 41-1106)"

"AN ACT relating to gaming; ~~revising the definition of "pari-mutuel system of wagering" to include wagers with respect to the outcome of a federal election;~~ revising the definition of ["off-track pari-mutuel wagering"] "sports pool" to include the acceptance of wagers on federal elections ~~authorizing the Nevada Gaming Commission to adopt certain regulations relating to pari-mutuel wagering on federal elections;~~ or other events approved by the Nevada Gaming Commission; requiring the Commission to adopt regulations authorizing the acceptance of wagers on federal elections; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~Existing law authorizes the Nevada Gaming Commission to issue licenses permitting the conduct of the pari-mutuel system of wagering, including off-track pari-mutuel wagering, and requires such wagering to be conducted only by the licensee at the times determined by the Commission and only within certain locations. (NRS 464.020) Existing law defines a "pari-mutuel system of wagering" as any system whereby wagers with respect to the outcome of a race or sporting event are placed in a wagering pool conducted by a person licensed or otherwise permitted to do so under state law, and in which participants are wagering with each other and not against that person. (NRS 464.005) Section 1 of this bill revises the definition to include wagers with respect to the outcome of a federal election being placed in such a wagering pool. Existing law also defines "off-track pari-mutuel wagering" as any pari-mutuel system of wagering approved by the Commission for the acceptance of wagers on: (1) horse or dog races which take place outside of this State; or (2) sporting events. (NRS 464.005) Section 1 revises the definition to include the acceptance of wagers on federal elections.~~

~~Section 2 of this bill requires a person to procure and maintain all required federal, state, county and municipal licenses before operating, carrying on, conducting or maintaining in this State any form of wagering under the pari-mutuel system on any federal election. Section 3 of this bill authorizes the Commission to adopt certain regulations relating to pari-mutuel wagering on a federal election. Section 4 of this bill provides that the total commission deducted from off-track pari-mutuel wagering must be determined by the Commission and may be divided between the persons licensed or approved to participate in the conduct of the federal election or the pari-mutuel system of wagering thereon.~~

Existing law defines "sports pool" as the business of accepting wagers on sporting events or other events by any system or method of wagering. (NRS 463.0193) Section 4.5 of this bill revises the definition to include the acceptance of wagers on a federal election or any other event approved by the Nevada Gaming Commission. Section 6 of this bill requires the

Commission to adopt regulations which authorize the acceptance of wagers on federal elections.

Existing law ~~also~~ provides that a person is guilty of a gross misdemeanor if he or she makes, offers or accepts any bet or wager upon the: (1) result of any election; (2) success or failure of any person or candidate; (3) number of votes to be cast, either in the aggregate or for any particular candidate; or (4) vote to be cast by any person. (NRS 293.830) Section 5 of this bill specifies that such provisions do not apply to a person who places a ~~pari-mutuel~~ wager on a federal election in accordance with the provisions of law governing ~~pari-mutuel~~ wagering ~~[-]~~ on federal elections.

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

Section 1. ~~[NRS 464.005 is hereby amended to read as follows:~~

~~464.005 As used in this chapter, unless the context otherwise requires:~~

~~1. "Federal election" means any presidential election, general election, primary election or special election held solely or in part for the purpose of selecting, nominating or electing any candidate for the office of President or Vice President of the United States, presidential elector, member of the United States Senate or member of the United States House of Representatives.~~

~~2. "Gross revenue" means the amount of the commission received by a licensee that is deducted from off track pari-mutuel wagering, plus breakage and the face amount of unpaid winning tickets that remain unpaid for a period specified by the Nevada Gaming Commission.~~

~~[2.] 3. "Off track pari-mutuel system" means a computerized system, or component of such a system, that is used with regard to a pari-mutuel pool to transmit information such as amounts wagered, odds and payoffs on races.~~

~~[3.] 4. "Off track pari-mutuel wagering" means any pari-mutuel system of wagering approved by the Nevada Gaming Commission for the acceptance of wagers on:~~

~~(a) Horse or dog races which take place outside of this state; [or]~~

~~(b) Sporting events[-].~~

~~4.] -or~~

~~(c) Federal elections.~~

~~5. "Operator of a system" means a person engaged in providing an off track pari-mutuel system.~~

~~[5.] 6. "Pari-mutuel system of wagering" means any system whereby wagers with respect to the outcome of a race, [-or] sporting event or federal election are placed in a wagering pool conducted by a person licensed or otherwise permitted to do so under state law, and in which the participants are wagering with each other and not against that person. The term includes off track pari-mutuel wagering. (Deleted by amendment.)~~

Sec. 2. ~~[NRS 464.010 is hereby amended to read as follows:~~

~~464.010 1. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain~~

~~in this state, any form of wagering under the pari-mutuel system on any racing or sporting event or federal election without having first procured and maintained all required federal, state, county and municipal licenses.~~

~~2. It is unlawful for any person to function as an operator of a system without having first obtained a state gaming license.~~

~~3. Where any other state license is required to conduct a racing or sporting event, that license must first be procured before the pari-mutuel system of wagering may be licensed in connection therewith. (Deleted by amendment.)~~

Sec. 3. ~~[NRS 464.025 is hereby amended to read as follows:~~

~~464.025 1. The Nevada Gaming Commission, upon the recommendation of the State Gaming Control Board, may adopt regulations for:~~

~~(a) The conduct by a licensee of off-track pari-mutuel wagering on a race, [or] sporting event [,] or federal election; and~~

~~(b) The approval of the terms and conditions of any agreement between a licensee and an agency of the state in which the race, [or] sporting event or federal election takes place or a person licensed or approved by that state to participate in the conduct of the race, [or] sporting event or federal election or the pari-mutuel system of wagering thereon.~~

~~2. A person or governmental agency must not receive any commission or otherwise share in the revenue from the conduct of off-track pari-mutuel wagering in this state without the approval of the Nevada Gaming Commission. The Commission may approve any person or governmental agency after such investigation as the State Gaming Control Board deems proper. (Deleted by amendment.)~~

Sec. 4. ~~[NRS 464.040 is hereby amended to read as follows:~~

~~464.040 1. The total commission deducted from pari-mutuel wagering other than off-track pari-mutuel wagering by any licensee licensed pursuant to the provisions of this chapter must not exceed 18 percent of the gross amount of money handled in each pari-mutuel pool operated by the licensee during the period of the license.~~

~~2. The total commission deducted from off-track pari-mutuel wagering must be determined by the Nevada Gaming Commission and may be divided between the persons licensed or approved to participate in the conduct of the race [or], sporting event or federal election or the pari-mutuel system of wagering thereon. Such licensure or approval must be obtained pursuant to this chapter or chapter 463 of NRS and pursuant to regulations which may be adopted by the Nevada Gaming Commission.~~

~~3. Except as otherwise provided in NRS 464.045 for off-track pari-mutuel wagering, each licensee shall pay to the Nevada Gaming Commission quarterly on or before the last day of the first month of the following quarter of operation for the use of the State of Nevada a tax at the rate of 3 percent on the total amount of money wagered on any race or sporting event.~~

~~4. The licensee may deduct odd cents less than 10 cents per dollar in paying bets.~~

~~5. Except as otherwise provided in NRS 464.045 for off-track pari-mutuel wagering, the amount paid to the Nevada Gaming Commission must be, after deducting costs of administration which must not exceed 5 percent of the amount collected, paid over by the Nevada Gaming Commission to the State Treasurer for deposit in the State General Fund.]~~
(Deleted by amendment.)

Sec. 4.5. NRS 463.0193 is hereby amended to read as follows:

463.0193 1. "Sports pool" means the business of accepting wagers on sporting events or other events, including, without limitation, a federal election or any other event approved by the Commission, by any system or method of wagering.

2. As used in this section, "federal election" means any presidential election, general election, primary election or special election held solely or in part for the purpose of selecting, nominating or electing any candidate for the office of President or Vice President of the United States, presidential elector, member of the United States Senate or member of the United States House of Representatives.

Sec. 5. NRS 293.830 is hereby amended to read as follows:

293.830 ~~[Any]~~

1. Except as otherwise provided in subsection 2, any person who makes, offers or accepts any bet or wager upon the result of any election, or upon the success or failure of any person or candidate, or upon the number of votes to be cast, either in the aggregate or for any particular candidate, or upon the vote to be cast by any person, is guilty of a gross misdemeanor.

2. The provisions of this section do not apply to any person who places a ~~pari-mutuel~~ wager on a federal election in accordance with the provisions of chapter ~~464~~ 463 of NRS and any regulations adopted pursuant thereto.

Sec. 6. On or before January 1, 2014, the Nevada Gaming Commission shall adopt regulations which authorize the acceptance of wagers on federal elections.

Sec. 7. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations; and

2. On January 1, 2014, for all other purposes.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 425 to Senate Bill No. 418 replaces the provisions of the bill in *Nevada Revised Statutes*, Chapter 463—Licensing and Control of Gaming, instead of Chapter 464—Pari-Mutuel Wagering. It also revises the effective date of the measure to be upon passage and approval for purposes of adopting regulations and on January 1, 2014, for all other purposes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 433.

Bill read second time.

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

Amendment No. 555.

"SUMMARY—Revises provisions governing motor vehicle fuel. (BDR 51-1101)"

"AN ACT relating to motor vehicle fuel; ~~making it unlawful for a person to sell or offer for sale~~ requiring the State Board of Agriculture to adopt regulations that require a warning label to be affixed to any pump which dispenses any motor vehicle fuel to which any manganese or manganese compound has been added; ~~providing a penalty~~ requiring a person who sells motor vehicle fuel that contains manganese or any manganese compound to provide certain documentation to the purchaser of that fuel; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the State Board of Agriculture to adopt by regulation specifications for motor vehicle fuel in this State based upon certain criteria. (NRS 590.070) ~~[This bill makes it unlawful for a person, or any officer or agent or employee of the person, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any motor vehicle fuel to which any manganese or manganese compound has been added.]~~ Section 3 of this bill requires the Board to adopt regulations requiring a warning label to be affixed to any pump from which is drawn any motor vehicle fuel that is sold to a consumer if the motor vehicle fuel contains manganese or any manganese compound, including, without limitation, methylcyclopentadienyl manganese tricarbonyl, and was delivered to the vendor within the immediately preceding 6 months.

Section 4 of this bill requires a person, other than a retailer of motor vehicle fuel, who sells a motor vehicle fuel that contains manganese or any manganese compound to provide documentation to the purchaser stating that the motor vehicle fuel contains manganese or any manganese compound and stating the volume of the compound expressed in milligrams per liter.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 590.070 is hereby amended to read as follows:~~

~~590.070 1. [The] Except as otherwise provided in paragraph (b) of subsection 3, the State Board of Agriculture shall adopt by regulation specifications for motor vehicle fuel:~~

~~(a) Based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the specifications is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or~~

~~(b) Proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. As used in~~

this paragraph, "air pollution control agency" means any federal air pollution control agency or any state, regional or local agency that has the authority pursuant to chapter 445B of NRS to regulate or control air pollution or air quality in any area of this State.

~~2. [The] Except as otherwise provided in paragraph (b) of subsection 3, the State Board of Agriculture shall adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel adopted pursuant to this section.~~

~~3. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any [petroleum].~~

~~(a) Petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture pursuant to this section.~~

~~(b) Motor vehicle fuel to which any manganese or manganese compound has been added, including, without limitation, the compound methylcyclopentadienyl manganese tricarbonyl.~~

~~4. This section does not apply to aviation fuel.~~

~~5. In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.] (Deleted by amendment.)~~

Sec. 2. Chapter 590 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. The State Board of Agriculture shall adopt regulations:

1. Requiring a warning label to be affixed on each pump from which is drawn any motor vehicle fuel sold to a consumer if the motor vehicle fuel:

(a) Contains manganese or any manganese compound, including, without limitation, methylcyclopentadienyl manganese tricarbonyl; and

(b) Was delivered to the vendor within the immediately preceding 6 months.

2. Specifying the format, size, wording and placement of the warning label that a vendor is required to place on a pump pursuant to this section. The regulations must ensure that the warning labels measure at least 4 inches by 4 inches and include, without limitation:

(a) A notice advising the consumer to read the label before dispensing the motor vehicle fuel;

(b) A warning that the motor vehicle fuel contains manganese or a manganese compound, including, without limitation, methylcyclopentadienyl manganese tricarbonyl; and

(c) A recommendation to consult the owner's manual for the consumer's motor vehicle before using the motor vehicle fuel.

Sec. 4. Any person, other than a retailer of motor vehicle fuel, who sells, offers for sale, assists in the sale of, delivers or transports motor vehicle fuel that contains manganese or any manganese compound must provide the

purchaser, including without limitation, a retailer of motor vehicle fuel, with documentation expressly stating that the fuel contains manganese or a manganese compound and stating the volume of the compound expressed in milligrams per liter.

Sec. 5. NRS 590.020 is hereby amended to read as follows:

590.020 As used in NRS 590.010 to 590.330, inclusive, and sections 3 and 4 of this act, unless the context otherwise requires:

1. "Additives" means a substance to be added to a motor oil or lubricating oil to impart or improve desirable properties or to suppress undesirable properties.

2. "Advertising medium" means any sign, printed or written matter, or device for oral or visual communication.

3. "Alternative fuel" includes, without limitation, premium diesel fuel, B-5 diesel fuel, B-10 diesel fuel, B-20 diesel fuel, B-100 diesel fuel, M-85, M-100, E-85, E-100, liquefied petroleum gas, natural gas, reformulated gasoline, gasohol and oxygenated fuel.

4. "Brand name" means a name or logo that is used to identify a business or company.

5. "Grade" means:

(a) "Regular," "midgrade," "plus," "super," "premium" or words of similar meaning when describing a grade designation for gasoline.

(b) "Diesel" or words of similar meaning, including, without limitation, any specific type of diesel, when describing a grade designation for diesel motor fuel.

(c) "M-85," "M-100," "E-85," "E-100" or words of similar meaning when describing a grade designation for alternative fuel.

(d) "Propane," "liquefied petroleum gas," "compressed natural gas," "liquefied natural gas" or words of similar meaning when describing pressurized gases.

6. "Motor vehicle fuel" means a petroleum product or alternative fuel used for internal combustion engines in motor vehicles.

7. "Performance rating" means the system adopted by the American Petroleum Institute for the classification of uses for which an oil is designed.

8. "Petroleum products" means gasoline, diesel fuel, burner fuel kerosene, lubricating oil, motor oil or any product represented as motor oil or lubricating oil. The term does not include liquefied petroleum gas, natural gas or motor oil additives.

9. "Recycled oil" means a petroleum product which is prepared from used motor oil or used lubricating oil. The term includes rerefined oil.

10. "Rerefined oil" means used oil which is refined after its previous use to remove from the oil any contaminants acquired during the previous use.

11. "Used oil" means any oil which has been refined from crude or synthetic oil and, as a result of use, has become unsuitable for its original purpose because of a loss of its original properties or the presence of

impurities, but which may be suitable for another use or economically recycled.

12. "Viscosity grade classification" means the measure of an oil's resistance to flow at a given temperature according to the grade classification system of the Society of Automotive Engineers or other grade classification.

Sec. 6. The State Board of Agriculture shall adopt the regulations required by section 3 of this act on or before January 1, 2014.

Sec. 7. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2014, for all other purposes.

Senator Ford moved the adoption of the amendment.

Remarks by Senator Ford.

Thank you, Mr. President. Amendment No. 555 to Senate Bill No. 433 amends the bill to require the State Department of Agriculture to adopt regulations on or before January 1, 2014, requiring the placement of a label on any fuel pump for motor vehicles that draws fuel containing manganese or any manganese compound, including methylcyclopentadienyl manganese tricarbonyl or "MMT." The amendment sets forth certain minimum requirements for the size and wording of the label. It also requires a person other than a fuel retailer who sells motor vehicle fuel containing manganese or methylcyclopentadienyl manganese tricarbonyl to provide documentation to the purchaser stating that the fuel contains manganese or methylcyclopentadienyl manganese tricarbonyl and stating the volume of the compound.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 498 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 501.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 559.

"SUMMARY—Makes various changes concerning substance abuse prevention and treatment. (BDR 40-1141)"

"AN ACT relating to substance abuse; transferring certain powers and duties from the Division of Mental Health and Developmental Services of the Department of Health and Human Services to the Health Division of the Department of Health and Human Services; ~~transferring certain powers and duties from the State Board of Health to the Commission on Mental Health and Developmental Services;~~ requiring certain facilities for the treatment of abuse of alcohol or drugs to be licensed; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, a facility for the treatment of abuse of alcohol or drugs, to be eligible to receive state and federal money for its alcohol and drug abuse programs, must be licensed by the State Board of Health and certified by the Division of Mental Health and Developmental Services of the Department of Health and Human Services. (NRS 449.0302, 458.025) Section 1 of this bill provides that a ~~licensed~~ facility is eligible to receive such money if it is ~~either certified by the Health Division of the Department of Health and Human Services or accredited by a nationally recognized accreditation organization that is approved by the Health Division.~~ licensed by the Health Division.

Under existing law, the Division of Mental Health and Developmental Services is required to certify detoxification technicians, facilities and programs for the education and treatment of alcohol and drug abusers. (NRS 458.025) ~~Sections 8 and 9 of this bill reassign those responsibilities to~~ Section 8 of this bill requires treatment facilities to be licensed by the Health Division. Section 9 of this bill also requires the Health Division to certify detoxification technicians and any facility that is not required to be licensed. Section 23.3 amends section 9 to remove the reference to detoxification technicians effective when the Board of Examiners for Alcohol, Drug and Gambling Counselors begin certifying such technicians.

Under existing law, certain first-time offenders who have been found guilty of driving under the influence of alcohol or a controlled substance must be evaluated at an evaluation center to determine whether the offender is an abuser of alcohol or other drugs. (NRS 484C.350) ~~Also, under existing law, the State Board of Health establishes the standards to be used for approving the operation of a facility as an evaluation center. (NRS 484C.310) Section 18 of this bill transfers that responsibility to the Commission on Mental Health and Developmental Services.~~ Under existing law, a juvenile court may also order such an evaluation of a child who commits certain crimes. Sections 16.5, 18.5 and 19 of this bill require such evaluations to be conducted at a licensed treatment facility.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

A facility for the treatment of abuse of alcohol or drugs is not eligible to receive state and federal money for alcohol and drug abuse programs unless it is licensed by the ~~State Board of Health~~ Health Division pursuant to NRS ~~449.0302 and:~~

- ~~1. Certified by the Health Division of the Department of Health and Human Services pursuant to section 9 of this act; or~~
- ~~2. Accredited by a nationally recognized accreditation organization that is approved by the Health Division.~~ 449.080.

Sec. 2. NRS 449.00455 is hereby amended to read as follows:

449.00455 "Facility for the treatment of abuse of alcohol or drugs" means any public or private establishment which provides residential treatment, including mental and physical restoration, of abusers of alcohol or drugs . ~~[and which is certified by the Division of Mental Health and Developmental Services of the Department of Health and Human Services pursuant to subsection 4 of NRS 458.025.]~~ ~~[[*The term*~~ does not include a medical facility or services offered by volunteers or voluntary organizations.

Sec. 3. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.030 to 449.240, inclusive, *and section 1 of this act* do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.

Sec. 4. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.240, inclusive, *and section 1 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.030 to 449.245, inclusive, *and section 1 of this act*, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Health Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Health Division shall maintain a log of any complaints that it receives relating to activities for which the Health Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Health Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Health Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➔ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Health Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Health Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Health Division pursuant to subsection 2.

Sec. 5. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.030 to 449.240, inclusive, *and section 1 of this act*, or any condition, standard or regulation adopted by the Board, the Health Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (d) of subsection 1 must be in a total amount of not less than \$1,000 and not more than \$10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Health Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Health Division may require any facility that violates any provision of NRS 439B.410 or 449.030 to 449.240, inclusive, *and section 1 of this act*, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of this chapter and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

Sec. 6. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Health Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.030 to 449.240, inclusive ~~[-]~~, *and section 1 of this act*:

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Health Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 7. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Health Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.030 to 449.245, inclusive ~~[-]~~, *and section 1 of this act*.

Sec. 8. NRS 453.580 is hereby amended to read as follows:

453.580 1. A court may establish an appropriate treatment program to which it may assign a person pursuant to subsection 4 of NRS 453.336, NRS 453.3363 or 458.300, or it may assign such a person to an appropriate facility for the treatment of abuse of alcohol or drugs which is certified by

~~the Division of Mental Health and Developmental Services of the Department.] ~~[that meets the requirements set forth in section 1 of this act.]~~~~ licensed pursuant to NRS 449.080. 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 person is making satisfactory progress toward completion of the program.

2. A program to which a court assigns a person pursuant to subsection 1 must include:

(a) Information and encouragement for the participant to cease abusing alcohol or using controlled substances through educational, counseling and support sessions developed with the cooperation of various community, health, substance abuse, religious, social service and youth organizations;

(b) The opportunity for the participant to understand the medical, psychological and social implications of substance abuse; and

(c) Alternate courses within the program based on the different substances abused and the addictions of participants.

3. If the offense with which the person was charged involved the use or possession of a controlled substance, in addition to the program or as a part of the program, the court must also require frequent urinalysis to determine that the person is not using a controlled substance. The court shall specify how frequent such examinations must be and how many must be successfully completed, independently of other requisites for successful completion of the program.

4. 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 pursuant to subsection 3, 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.

Sec. 9. Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Health Division shall certify or deny certification of detoxification technicians ~~for~~ and any ~~facilities or programs~~ facility that is not required to be licensed pursuant to chapter 449 of NRS on the basis of the standards established by the Health Division pursuant to this section, and publish a list of certified detoxification technicians, certified facilities and facilities ~~and programs~~ licensed pursuant to chapter 449 of NRS. Any detoxification technician ~~or facility or program that~~ who is not certified and any facility that is not certified or licensed is ineligible to receive state and federal money for alcohol and drug abuse programs.*

2. *The Health Division shall adopt regulations which:*

(a) *Must prescribe the requirements for continuing education for persons certified as detoxification technicians; and*

(b) May prescribe the fees for the certification of detoxification technicians ~~for~~ and facilities ~~for programs~~. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the Health Division of issuing the certificate.

3. Except as otherwise provided in this subsection, upon request from a facility ~~which is self-supported~~, the Health Division may certify the facility ~~for its programs~~ and its detoxification technicians and add them to the list described in subsection 1. The Health Division shall not add an unlicensed facility to the list if the facility is required to be licensed pursuant to the provisions of chapter 449 of NRS.

Sec. 10. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, and section 9 of this act, unless the context requires otherwise:

1. "Administrator" means the Administrator of the Division.
2. "Alcohol and drug abuse program" means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.
3. "Alcohol and drug abuser" means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects the ability of the person to function socially or economically.
4. "Alcoholic" means any person who habitually uses alcoholic beverages to the extent that the person endangers the health, safety or welfare of himself or herself or any other person or group of persons.
5. "Civil protective custody" means a custodial placement of a person to protect the health or safety of the person. Civil protective custody does not have any criminal implication.
6. "Detoxification technician" means a person who is certified by the Health Division to provide screening for the safe withdrawal from alcohol and other drugs.
7. "Division" means the Division of Mental Health and Developmental Services of the Department of Health and Human Services.
8. "Facility" means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers. The term includes, without limitation, a physical structure used by a facility for the treatment of abuse of alcohol or drugs ~~as defined in NRS 449.00455~~ licensed pursuant to NRS 449.080 and any physical structure used for the delivery of an alcohol and drug abuse program.
9. "Health Division" means the Health Division of the Department of Health and Human Services.

Sec. 11. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, unless the context requires otherwise:

1. "Administrator" means the Administrator of the Division.
2. "Alcohol and drug abuse program" means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.
3. "Alcohol and drug abuser" means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects the ability of the person to function socially or economically.
4. "Alcoholic" means any person who habitually uses alcoholic beverages to the extent that the person endangers the health, safety or welfare of himself or herself or any other person or group of persons.
5. "Civil protective custody" means a custodial placement of a person to protect the health or safety of the person. Civil protective custody does not have any criminal implication.
6. "Division" means the Division of Mental Health and Developmental Services of the Department of Health and Human Services.
7. "Facility" means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers. *The term includes without limitation, a physical structure used by a facility for the treatment of abuse of alcohol or drugs ~~as defined in NRS 449.00455~~ licensed pursuant to NRS 449.080 and any physical structure used for the delivery of an alcohol and drug abuse program.*

Sec. 12. NRS 458.025 is hereby amended to read as follows:

458.025 The Division:

1. Shall formulate and operate a comprehensive state plan for alcohol and drug abuse programs which must include:

(a) A survey of the need for prevention and treatment of alcohol and drug abuse, including a survey of the facilities needed to provide services and a plan for the development and distribution of services and programs throughout this State.

(b) A plan for programs to educate the public in the problems of the abuse of alcohol and other drugs.

(c) A survey of the need for persons who have professional training in fields of health and other persons involved in the prevention of alcohol and drug abuse and in the treatment and recovery of alcohol and drug abusers, and a plan to provide the necessary treatment.

➡ In developing and revising the state plan, the Division shall consider, without limitation, the amount of money available from the Federal Government for alcohol and drug abuse programs and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for alcohol and drug abuse programs.

2. Shall coordinate the efforts to carry out the state plan and coordinate all state and federal financial support of alcohol and drug abuse programs in this State.

3. Must be consulted in the planning of projects and advised of all applications for grants from within this State which are concerned with alcohol and drug abuse programs, and shall review the applications and advise the applicants concerning the applications.

~~[4. Shall certify or deny certification of detoxification technicians or any facilities or programs on the basis of the standards established by the Division pursuant to this section, and publish a list of certified detoxification technicians, facilities and programs. Any detoxification technicians, facilities or programs which are not certified are ineligible to receive state and federal money for alcohol and drug abuse programs. The Division shall adopt regulations. The regulations:~~

~~(a) Must prescribe the requirements for continuing education for persons certified as detoxification technicians; and~~

~~(b) May prescribe the fees for the certification of detoxification technicians, facilities or programs. A fee prescribed pursuant to this paragraph must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the Division of issuing the certificate.~~

~~5. Upon request from a facility which is self supported, may certify the facility, its programs and detoxification technicians and add them to the list described in subsection 4.]~~

Sec. 13. NRS 458.026 is hereby amended to read as follows:

458.026 1. An applicant for the issuance or renewal of his or her certification as a detoxification technician must submit to the *Health* Division 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 *Health* Division 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 certification; or

(b) A separate form prescribed by the *Health* Division.

3. The certification of a person as a detoxification technician may not be issued or renewed by the *Health* Division if the applicant:

(a) Fails to complete or 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 Administrator *of the Health Division* 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. 14. NRS 458.027 is hereby amended to read as follows:

458.027 1. If the *Health Division* 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 has been certified as a detoxification technician, the *Health Division* shall deem the certification to be suspended at the end of the 30th day after the date on which the court order was issued unless the *Health Division* receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person who has been certified stating that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The *Health Division* shall reinstate the certification of a person as a detoxification technician that has been suspended by a district court pursuant to NRS 425.540 if the *Health Division* receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certification was suspended stating that the person whose certification was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 15. NRS 458.031 is hereby amended to read as follows:

458.031 ~~{The}~~

1. *Except as otherwise provided in this section, the Division shall administer the provisions of NRS 458.010 to 458.350, inclusive, and section 9 of this act as the sole agency of the State of Nevada for that purpose.*

2. *The Health Division shall administer the provisions of NRS 458.026, 458.027 and 458.028 and section 9 of this act.*

Sec. 16. NRS 62A.340 is hereby amended to read as follows:

62A.340 "Treatment facility" means a facility for the treatment of abuse of alcohol or drugs ~~{that} [is certified by the Health Division of the Department of Health and Human Services.] [meets the requirements set forth in section 1 of this act.]~~, as defined in NRS 449.00455, which is licensed pursuant to NRS 449.080.

Sec. 16.5. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

(a) An unlawful act in violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;

(b) The unlawful act of using, possessing, selling or distributing a controlled substance; or

(c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

(a) A clinical alcohol and drug abuse counselor who is licensed, an alcohol and drug abuse counselor who is licensed or certified, or an alcohol and drug abuse counselor intern or a clinical alcohol and drug abuse counselor intern who is certified, pursuant to chapter 641C of NRS, to make that classification; or

(b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

(a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;

(b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and

(c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at ~~an evaluation center,~~ a treatment facility.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to the child's evaluation and treatment, to perform community service.

7. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 or a law of any other jurisdiction that prohibits the same or similar conduct.

8. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Health Division of the Department of Health and Human Services. The evaluation may be conducted at ~~an evaluation center,~~ a treatment facility.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

9. Except as otherwise provided in section 6 of chapter 435, Statutes of Nevada 2007, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:

(a) The juvenile court;

(b) The child;

(c) The attorney for the child, if any;

(d) The parents or guardian of the child;

(e) The district attorney; and

(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

10. A record of any finding that a child has violated the provisions of NRS 484C.110, 484C.120, 484C.130 or 484C.430 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 17. NRS 484C.100 is hereby amended to read as follows:

484C.100 "Treatment facility" means a facility for the treatment of abuse of alcohol or drugs ~~[, which is certified by the Health Division of the Department of Health and Human Services.]~~ [that meets the requirements set forth in section 1 of this act], as defined in NRS 449.00455, which is licensed pursuant to NRS 449.080.

Sec. 18. ~~[NRS 484C.310 is hereby amended to read as follows:~~

~~484C.310 The [State Board of Health] Commission on Mental Health and Developmental Services shall adopt by regulation the standards to be~~

~~used for approving the operation of a facility as an evaluation center for the purposes of NRS 484C.310 to 484C.360, inclusive.] (Deleted by amendment.)~~

Sec. 18.5. NRS 484C.350 is hereby amended to read as follows:

484C.350 1. If an offender is found guilty of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400 and if the concentration of alcohol in the offender's blood or breath at the time of the offense was 0.18 or more, or if an offender 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, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether the offender is an abuser of alcohol or other drugs.

2. If an offender is convicted of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400 and if the offender is under 21 years of age at the time of the violation, the court shall, before sentencing the offender, require an evaluation of the offender pursuant to subsection 3, 4, 5 or 6 to determine whether the offender is an abuser of alcohol or other drugs.

3. Except as otherwise provided in subsection 4, 5 or 6, the evaluation of an offender pursuant to this section must be conducted at ~~[an evaluation center]~~ a treatment facility by:

(a) 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 evaluation; or

(b) A physician who is certified to make that evaluation by the Board of Medical Examiners,
➡ who shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

4. The evaluation of an offender who resides more than 30 miles from ~~[an evaluation center]~~ a treatment facility may be conducted outside ~~[an evaluation center]~~ the treatment facility by a person who has the qualifications set forth in subsection 3. The person who conducts the evaluation shall report to the court the results of the evaluation and make a recommendation to the court concerning the length and type of treatment required for the offender.

5. The evaluation of an offender who resides in another state may, upon approval of the court, be conducted in the state where the offender resides by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

6. The evaluation of an offender who resides in this State may, upon approval of the court, be conducted in another state by a physician or other person who is authorized by the appropriate governmental agency in that state to conduct such an evaluation if the location of the physician or other person in the other state is closer to the residence of the offender than the nearest location in this State at which an evaluation may be conducted. The offender shall ensure that the results of the evaluation and the recommendation concerning the length and type of treatment for the offender are reported to the court.

7. An offender who is evaluated pursuant to this section shall pay the cost of the evaluation. ~~[An evaluation center]~~ A treatment facility or a person who conducts an evaluation in this State outside ~~[an evaluation center]~~ a treatment facility shall not charge an offender more than \$100 for the evaluation.

Sec. 19. NRS 484C.370 is hereby amended to read as follows:

484C.370 The provisions of NRS 484C.340, 484C.350 or 484C.360 do not prohibit a court from:

1. Requiring an evaluation pursuant to NRS 484C.350 to be conducted ~~[by an evaluation center that is administered by a private company if the company meets the standards of the]~~ ~~[State Board of Health]~~ ~~[Commission on Mental Health and Developmental Services pursuant to NRS 484C.310; or]~~ at a treatment facility; or

2. Ordering the offender to attend a program of treatment that is administered by a private company.

Sec. 20. NRS 608.156 is hereby amended to read as follows:

608.156 1. If an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of abuse of alcohol and drugs. The annual benefits provided by the employer must consist of:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of \$2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is \$39,000.

3. These benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is ~~[certified by the Health Division of the Department of Health and Human~~

Services.] ~~[that meets the requirements set forth in section 1 of this act.]~~
licensed pursuant to NRS 449.080.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Health Division of the Department of Health and Human Services, accredited by The Joint Commission and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 21. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than \$10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any nursing facility administrator or administrator of a residential facility for groups who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.030 to 449.240, inclusive, *and section 1 of this act* as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the nursing facility administrator or administrator of a residential facility for groups and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

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

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or

action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 22. NRS 689A.046 is hereby amended to read as follows:

689A.046 1. The benefits provided by a policy for health insurance for treatment of the abuse of alcohol or drugs must consist of:

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of \$2,500 per calendar year.

2. These benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is ~~[certified by the Health Division of the Department of Health and Human Services.]~~ ~~*[that meets the requirements set forth in section 1 of this act.]*~~ licensed pursuant to NRS 449.080.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Health Division of the Department of Health and Human Services, accredited by the Joint Commission on Accreditation of Healthcare Organizations and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 23. NRS 689C.167 is hereby amended to read as follows:

689C.167 1. The benefits provided by a group policy for health insurance, as required by NRS 689C.166, for the treatment of abuse of alcohol or drugs must consist of:

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of \$1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of \$9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of \$2,500 per calendar year.

2. These benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of abuse of alcohol or drugs which is ~~[certified by the Health Division of the Department of Health and Human Services.]~~ ~~*[that meets the requirements set forth in section 1 of this act.]*~~ licensed pursuant to NRS 449.080.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Health Division of the Department of Health and Human Services, is accredited by the Joint Commission on Accreditation of

Healthcare Organizations and provides a program for the treatment of abuse of alcohol or drugs as part of its accredited activities.

Sec. 23.3. Section 9 of this act is hereby amended to read as follows:

Sec. 9. Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Health Division shall certify or deny certification of ~~[detoxification technicians or]~~ any facility that is not required to be licensed pursuant to chapter 449 of NRS on the basis of the standards established by the Health Division pursuant to this section and publish a list of ~~[certified detoxification technicians,]~~ certified facilities and facilities licensed pursuant to chapter 449 of NRS. Any ~~[detoxification technician who is not certified and any]~~ facility that is not certified or licensed is ineligible to receive state and federal money for alcohol and drug abuse programs.

2. The Health Division shall adopt regulations which ~~fe~~

~~(a) Must prescribe the requirements for continuing education for persons certified as detoxification technicians; and~~

~~(b) May~~ *may* prescribe the fees for the certification of ~~[detoxification technicians and]~~ facilities. A fee prescribed pursuant to this ~~[paragraph]~~ *subsection* must be calculated to produce the revenue estimated to cover the costs related to the certifications, but in no case may a fee for a certificate exceed the actual cost to the Health Division of issuing the certificate.

3. Except as otherwise provided in this subsection, upon request from a facility, the Health Division may certify the facility ~~[and its detoxification technicians]~~ and add ~~[them]~~ *the facility* to the list described in subsection 1. The Health Division shall not add an unlicensed facility to the list if the facility is required to be licensed pursuant to the provisions of chapter 449 of NRS.

Sec. 23.7. NRS 62A.110, 484C.050 and 484C.310 are hereby repealed.

Sec. 24. A detoxification technician ~~[,]~~ or facility ~~[or program]~~ certified by the Division of Mental Health and Developmental Services of the Department of Health and Human Services pursuant to NRS 458.025 before October 1, 2013, and which is otherwise qualified for such certification on that date shall be deemed to be certified by the Health Division of the Department of Health and Human Services pursuant to section 9 of this act.

Sec. 25. 1. Any administrative regulation adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulation has been transferred.

2. Any contract or other agreement entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer,

agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

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

Sec. 26. 1. This section and sections 1 to 10, inclusive, 12 to 23, inclusive, 23.7, 24 and 25 of this act ~~becomes~~ become effective:

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

(b) On October 1, 2013, for all other purposes.

2. ~~Section~~ Sections 11 and 23.3 of this act become effective on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.

3. Sections 9, 10, 12 and 13 of this act and the amendatory provisions of section 15 of this act expire by limitation on the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation.

4. Section 14 of this act expires by limitation:

(a) On the date the regulation adopted by the Board of Examiners for Alcohol, Drug and Gambling Counselors for the certification of a person as a detoxification technician pursuant to NRS 641C.500 becomes effective, unless a later date is otherwise specified in the regulation; or

(b) On 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:

(1) 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

(2) Are in arrears in the payment for the support of one or more children.

are repealed by the Congress of the United States.

TEXT OF REPEALED SECTIONS

62A.110 "Evaluation center" defined. "Evaluation center" means a facility which is approved by the Health Division of the Department of Health and Human Services to provide an evaluation of an offender to a court to determine if the offender is an abuser of alcohol or another drug. The term includes a facility operated by a court or other governmental agency.

484C.050 "Evaluation center" defined. "Evaluation center" means a facility which is approved by the Health Division of the Department of Health and Human Services to provide an evaluation of an offender to a court to determine if the offender is an abuser of alcohol or another drug. The term includes a facility operated by a court or other governmental agency.

484C.310 Standards for approval of evaluation center. The State Board of Health shall adopt by regulation the standards to be used for approving the operation of a facility as an evaluation center for the purposes of NRS 484C.310 to 484C.360, inclusive.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 559 to Senate Bill No. 501 clarifies the measure's intent to allow the Health Division's licensure process for a facility currently licensed pursuant to Chapter 449 of *Nevada Revised Statutes* to also make the facility eligible to receive State and federal money for alcohol and drug abuse programs. It clarifies that the Health Division's role only applies to detoxification technicians and the facilities in which programs are delivered, and not to programs. Amendment No. 559 to Senate Bill No. 501 requires any facility that is not licensed pursuant to Chapter 449 of *Nevada Revised Statutes* to be certified by the Health Division in order to receive State and federal money for alcohol and drug abuse programs. It clarifies the definition of certain facilities and the type of facilities relevant to provisions of the measure. Finally, the amendment repeals Section 110 of Chapter 62A, Section 50 of Chapter 484C and Section 310 of Chapter 484C of *Nevada Revised Statutes* which relate to evaluation centers and all related terms.

Amendment adopted.

Senator Smith moved that Senate Bill No. 501 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

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

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Adam Cegavske.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Jan Kieckhefer; and also to the students and chaperones from Galena High School.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to the students from George Whittell High School: Elizabeth Anderson, Alex Barnes, Tristan Beckwith, Steven Beelar, Zoe Bertz, Brittany Boulet, Spenser Buchholz, Danica Bunnnett, Mercy Crace Darlucio, Margaret Dean, Margaret Elias, Hailey Elliott,

Matthew Elliott, Kendal Ferris, Marcus Foerschler, Sterling Freeman, Ana Fuller-Wilmarth, Kay Henderson, Casey Huber, Tori Jimenez, Charles Jurzenski, Serena Libert, Iran Manzano, Nolan Marquez, Gianna Miller, Cameron Nye, Joshua Peterson, Laurie Petty, Kevin Preciado-Estrada, Veronica Rodriguez, Robert Rupp Jr., Dominick Seminerio, Jennifer Shepack, Skylar Smith, Dillon Stetler, Jonathan Verbeten, Mark Waite and Jacob Washalefsky.

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to Cathy Erskine, Lauren Dennison and Bridget Zunino-Dennison; and also to the students and chaperones from Hug High School; students: Oscar Adame, Alejandro Ayala, Robyn Bailey, Elizabeth Barajas, Anthony Barrera-Monroy, Mary Joy Beltejar, Kadi Campagna, Aljeron Colis, Nick Dunkle, Guinevere Foldi, Cara Freybargar Moore, Alexis Gallardo Del Valle, Alberto Garcia, Hannah Gebensleben, Dylan Lopez, Diana Martinez, Yezenia Olivera, Ayrhianna Paulin, Edgardo Rodriguez, Joanna Perez, Frida Ponce, Christian Vasquez, Shanelle Wright; and chaperones: Scott Barclay and Mario Fitzpatrick.

Senator Denis moved that the Senate adjourn until Tuesday, April 23, 2013, at 11:30 a.m.

Motion carried.

Senate adjourned at 11:24 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate