

**THE ONE HUNDRED AND SEVENTEENTH DAY**

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CARSON CITY (Friday), June 2, 2017

Senate called to order at 4:43 p.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by Senator Cancela.

Dear Lord, thank You for this beautiful day that You have blessed us with. Thank You for bringing us all here together. Open our hearts for making informed and compassionate decisions. Open our ears to listen to new ideas and help us to be leaders we know we can be by Your guidance and love.

AMEN.

Pledge of Allegiance to the Flag.

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

**REPORTS OF COMMITTEES**

*Mr. President:*

Your Committee on Education, to which were referred Assembly Bills Nos. 144, 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MOISES DENIS, *Chair*

*Mr. President:*

Your Committee on Finance, to which was referred Senate Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were referred Senate Bills Nos. 443, 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 249, 303, 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 183, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

*Mr. President:*

Your Committee on Natural Resources, to which was referred Assembly Bill No. 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

YVANNA D. CANCELA, *Chair*

*Mr. President:*

Your Committee on Revenue and Economic Development, to which were referred Assembly Bills Nos. 417, 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JULIA RATTI, *Chair*

*Mr. President:*

Your Committee on Senate Parliamentary Rules and Procedures has approved the consideration of: Amendment No. 1087 to Senate Joint Resolution No. 16 and Amendment No. 968 to Assembly Bill No. 403.

KELVIN ATKINSON, *Chair*

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2017

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 97; Assembly Joint Resolution No. 14.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 394, Amendment No. 1058, and respectfully requests your honorable body to concur in said amendment.

CAROL AIELLO-SALA

*Assistant Chief Clerk of the Assembly*

ASSEMBLY CHAMBER, Carson City, June 2, 2017

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 544.

CAROL AIELLO-SALA

*Assistant Chief Clerk of the Assembly*

#### MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 14.

Senator Atkinson moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senator Ford moved that Assembly Bill No. 403 be taken from the Secretary's desk and placed at the bottom of the General File, second Agenda.

Motion carried.

Senator Cannizzaro moved that Senate Joint Resolution No. 16 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 97.

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

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 178.

Bill read third time.

Remarks by Senators Denis and Gansert.

SENATOR DENIS:

Senate Bill No. 178 provides school districts and charter schools with additional resources for supplemental instructional services to improve the academic performance of students who are

English learners or are eligible for free or reduced-price lunch, who score in the bottom 25 percent of students on certain assessments, are not enrolled in a Zoom or Victory school and do not have an individualized education program.

The bill creates the Account for the New Nevada Education Funding Plan in the State General Fund and appropriates \$36 million to the Account in each fiscal year of the 2017-2019 Biennium. This money must be used to provide school districts and charter schools with \$1,200 per eligible student to be allocated to the schools of eligible students; 90-percent or more of the funding may be used for a menu of authorized services, and up to 10-percent may be used for personnel incentives and professional development.

The Department of Education must contract with an independent evaluator to analyze the results of this funding and report to the Legislature. The Department must also contract with a consultant to update a prior report on school funding, research a variety of related topics, and issue a preliminary report to the Legislative Committee on Education. This is the funding formula for K-12 education bill.

SENATOR GANSERT:

I rise in support of Senate Bill No. 178. While I was campaigning, I visited schools and saw the impact ZOOM funds have on these schools. It is important for us to be able to move the needle, and these are the types of targeted investments that make sense for our children.

Roll call on Senate Bill No. 178:

YEAS—21.

NAYS—None.

Senate Bill No. 178 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 543.

Bill read third time.

Remarks by Senator Ford.

Senate Bill No. 543 appropriates \$2 million from the General Fund to the Lou Ruvo Center for Brain Health for the purpose of research, clinical studies, operations and educational programs at the Center. The bill requires the Center to report to the Interim Finance Committee on or before December 21, 2018, and again on or before September 20, 2019, describing how the appropriated funds were expended.

Finally, upon request of the Legislative Commission, the Center must make available any of the books, accounts, claims, reports, vouchers or other records of information as deemed necessary by the Legislative Auditor to conduct an audit of the use of money appropriated by this act. Funding not committed for expenditure after June 30, 2019, and not spent after September 20, 2019, must be reverted to the State General Fund.

Roll call on Senate Bill No. 543.

YEAS—21.

NAYS—None.

Senate Bill No. 543 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 127.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 127 makes various provisions regarding emergencies in schools. The bill requires each school district in a county whose population is 100,000 or more, currently Clark

and Washoe Counties, to designate a full-time employee as an emergency manager; requires school districts and charter schools to consult with certain emergency or law enforcement personnel before designing, building, remodeling or purchasing school buildings or related facilities or acquiring sites for such facilities; requires Nevada's Department of Education (NDE) to conduct a conference on school safety at least once a year and the State Public Charter School Authority to organize a similar meeting, which certain persons must attend; directs NDE, to the extent money is available, to provide block grants to school districts and charter schools to employ or contract with social workers and other mental health workers in schools with identified needs; requires consultation with emergency managers, school resource officers and chiefs of school police, as applicable, when a district or charter school committee develops a plan for responding to emergencies and crises; requires at least half of student drills in emergency procedures to include instruction in appropriate procedures for a "lockdown," a term newly defined in the bill; and removes requirements that certain student emergency drills must be supervised by the chief of the fire department or voluntary fire department of the city or town where a school is located and instead requires those drills to be approved by such persons.

Roll call on Assembly Bill No. 127:

YEAS—21.

NAYS—None.

Assembly Bill No. 127 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 224.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 224 revises certain provisions governing persons with intellectual disabilities and related conditions by replacing the term "related condition" with the term "developmental disability." The bill clarifies that a developmental disability includes autism, cerebral palsy, epilepsy or any other neurological condition diagnosed by a qualified professional that is manifested before 22 years of age and is likely to continue indefinitely; substantially limits certain major life activities, and results in a lifelong or protracted need for individually planned and coordinated services, support or other assistance.

The bill also prohibits certain contracts that provide jobs and day training services from employing persons with intellectual or developmental disabilities who are under 25 years of age unless they are paid at least the State minimum wage, except under certain conditions as outlined in the bill to align State law with federal law.

Roll call on Assembly Bill No. 224:

YEAS—21.

NAYS—None.

Assembly Bill No. 224 having received a constitutional majority,  
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 280.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 280 creates a preference of 5 percent for a bid or proposal for a State purchasing contract that is submitted by a Nevada-based business. To qualify for this preference, a business must certify that its principal place of business is in this State or that a majority of the goods provided for in a State purchasing contract are produced in this State. The bill prohibits

granting the preference for the award of any contract that has already been granted another preference; uses federal money, unless authorized by federal law, or was procured on a multistate basis. Additionally, the measure removes the requirement that the weight of each factor used to evaluate proposals must not be disclosed before the proposals are submitted.

Roll call on Assembly Bill No. 280:

YEAS—21.

NAYS—None.

Assembly Bill No. 280 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 366.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 366 creates four behavioral health regions and a regional behavioral health policy board for each region. Each board is required to advise the Department of Health and Human Services, the Division of Public and Behavioral Health and the Commission on Behavioral Health on certain regional behavioral health issues; promote improvements in the delivery of behavioral health services; coordinate and exchange information with other policy boards to provide unified recommendations regarding behavioral health services; review data collection and reporting standards relating to behavioral health information, and submit a report to the Commission, which includes the priorities and needs of the policy board's behavioral health region.

The measure requires a report that is currently submitted by the Commission on Behavioral Health to include recommendations from each policy board; the epidemiologic profiles of substance use and abuse, problem gambling and suicide; relevant behavioral health prevalence data for each behavioral health region, and the health priorities set for each behavioral health region.

Roll call on Assembly Bill No. 366:

YEAS—21.

NAYS—None.

Assembly Bill No. 366 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 374.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 374 requires the Director of the Department of Health and Human Services to seek any necessary waiver of certain provisions of federal law to establish the Nevada Care Plan within Medicaid. If established, the bill authorizes the Nevada Care Plan to be offered by certain insurers or for purchase through the Silver State Health Insurance Exchange to any person who is otherwise ineligible for Medicaid. Additionally, the bill requires the Director to seek any necessary federal waiver to allow individuals to use federal income tax credits and cost-sharing reductions authorized by the Patient Protection and Affordable Care Act to purchase coverage through the Nevada Care Plan. Further, the bill requires the benefits offered by the Nevada Care Plan to be the same as those provided to other Medicaid recipients. Finally, the measure appropriates from the State General Fund \$89,540 in each year of the 2017-2019 Biennium to the Division of Health Care Financing and Policy for costs associated with establishing and administering the Nevada Care Plan.

Roll call on Assembly Bill No. 374:

YEAS—12.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settelmeyer—9.

Assembly Bill No. 374 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 428.

Bill read third time.

Remarks by Senator Hardy.

Assembly Bill No. 428 authorizes a pharmacist to furnish an opioid antagonist without a prescription under certain circumstances. In addition, the bill prohibits the development of standardized procedures and protocols that prevent a pharmacist from dispensing an opioid antagonist without a prescription.

Roll call on Assembly Bill No. 428:

YEAS—21.

NAYS—None.

Assembly Bill No. 428 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 440.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 440 authorizes a proceeding for the involuntary court-ordered admission of a person who is the defendant in a criminal proceeding in the district court to a program of community-based or outpatient services to be commenced by the district court, on its own motion, or by motion of the defendant or the district attorney if certain conditions are met. The measure specifies the circumstances under which the court may suspend the criminal proceedings against a defendant and order the defendant to a program of community-based or outpatient services. If the defendant successfully completes the program, the district court is authorized to dismiss the criminal charges against the defendant with prejudice.

The measure also provides that if the Chief Judge of a district court designates a district court judge or hearing master to preside over involuntary commitment hearings, that district court judge or hearing master is required to preside over such hearings. Finally, a district judge or hearing master specifically assigned to hear certain involuntary commitment proceedings is exempt from the requirement to attend certain instruction at the National Council of Juvenile and Family Court Judges in Reno, Nevada.

Roll call on Assembly Bill No. 440:

YEAS—21.

NAYS—None.

Assembly Bill No. 440 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 468.

Bill read third time.

### Remarks by Senator Settelmeyer.

Assembly Bill No. 468 combines the provisions related to the regulation of mortgage brokers and mortgage bankers in *Nevada Revised Statutes* (NRS) into a single chapter; both professions will be included in the term "mortgage company." The bill also changes all references to "mortgage agent" to "mortgage loan originator." Additionally, Assembly Bill No. 468 makes various technical changes throughout the statutes related to these professions. These changes include, but are not limited to, providing the Commissioner of Mortgage Lending with discretion in investigating a mortgage company, mortgage loan originator or other person under certain circumstances; taking possession of the property held by a mortgage company; taking certain disciplinary actions; removing certain provisions relating to determinations of a person's demonstrated financial responsibility; removing certain provisions relating to the availability of a mortgage loan originator's records for inspection by the Commissioner; allowing the Commissioner to prescribe by regulation the form of the required surety bond, and including certain activities related to the solicitation or making of mortgage loans in the definition of a transaction of business for purposes of complying with certain chapters of NRS.

### Roll call on Assembly Bill No. 468:

YEAS—21.

NAYS—None.

Assembly Bill No. 468 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

### MOTIONS, RESOLUTIONS AND NOTICES

Senator Ford moved that Assembly Bill No. 474 be taken from the General File and placed on the General File, last Agenda

Motion carried.

### UNFINISHED BUSINESS

#### RECEDE FROM SENATE AMENDMENTS

Senator Parks moved that the Senate recede from its action on Assembly Bill No. 36.

Motion carried by a constitutional majority.

Bill ordered transmitted to the Assembly.

### APPOINTMENT OF CONFERENCE COMMITTEES

President Hutchison appointed Senators Segerblom, Cannizzaro and Gustavson as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 258.

President Hutchison appointed Senators Segerblom, Cannizzaro and Harris as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 376.

President Hutchison appointed Senators Segerblom, Cannizzaro and Harris as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 432.

## REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Commerce, Labor and Energy, to which was referred Assembly Bill No. 175, 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 Finance, to which was re-referred Senate Bill No. 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

*Mr. President:*

Your Committee on Transportation, to which was referred Assembly Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PATRICIA FARLEY, *Chair*

## SECOND READING AND AMENDMENT

Senate Bill No. 443.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 921.

~~SUMMARY—[Makes an appropriation for the transfer of contracted]~~  
Requires the Aging and Disability Services Division of the Department of Health and Human Services to employ sign language [interpreter positions to state employee positions. (BDR S 145)] interpreters. (BDR 38-145)

~~AN ACT [making an appropriation for the transfer of four sign language interpreter positions contracted with the Aging and Disability Services Division of the Department of Health and Human Services to state employee positions];~~ relating to interpreters; requiring the Aging and Disability Services Division of the Department of Health and Human Services, to the extent money is available, to employ interpreters for a certain program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Aging and Disability Services Division of the Department of Health and Human Services to develop and administer a program which includes: (1) providing devices for telecommunication to persons who are deaf and persons with impaired speech or hearing; (2) the establishment of centers for persons who are deaf or hard of hearing; and (3) making interpreters available, when possible, to the Executive, Judicial and Legislative Departments of State Government to assist those departments in providing access to persons who are deaf or hard of hearing. (NRS 427A.797) Section 3 of this bill requires the Aging and Disability Services Division, to the extent money is available, to employ one or more interpreters in the unclassified service of the State pursuant to the program developed by the Division. Section 4 of this bill provides for the establishment of the salaries for the interpreter positions.



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

Section 1. ~~[There is hereby appropriated from the State General Fund to the Aging and Disability Services Division of the Department of Health and Human Services the sum of \$378,953.28 for the transfer of four sign language interpreter positions contracted with the Division to state employee positions beginning at grade 37, step 5.] (Deleted by amendment.)~~

Sec. 2. ~~[Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, 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 20, 2019, 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 20, 2019.] (Deleted by amendment.)~~

Sec. 3. NRS 427A.797 is hereby amended to read as follows:

427A.797 1. The Division shall develop and administer a program whereby:

(a) Any person who is a customer of a telephone company which provides service through a local exchange or a customer of a company that provides wireless phone service and who is certified by the Division to be deaf or to have severely impaired speech or hearing may obtain a device for telecommunication or other assistive technology capable of serving the needs of such persons at no charge to the customer beyond the rate for basic service;

(b) Any person who is deaf or has severely impaired speech or hearing may communicate by telephone, including, without limitation, a wireless phone, or other means with other persons through a dual-party relay system or other assistive technology; and

(c) Interpreters are made available, when possible, to the Executive, Judicial and Legislative Departments of State Government to assist those departments in providing access to persons who are deaf or hard of hearing. The Division shall, to the extent money is available, employ one or more interpreters in the unclassified service of the State for the purposes of this paragraph.

2. The program developed pursuant to subsection 1 must include the establishment of centers for persons who are deaf or hard of hearing that provide services which must include, without limitation:

(a) Facilitating the provision and distribution of devices for telecommunication and other assistive technology to persons with impaired speech or hearing;

(b) Assisting persons who are deaf or have severely impaired speech or hearing in accessing assistive devices, including, without limitation, hearing

aids, electrolarynxes and devices for telecommunication and other assistive technology;

(c) Expanding the capacity for service using devices for telecommunication and other assistive technology in areas where there is a need for such devices and technology and services for persons with impaired speech or hearing are not available;

(d) Providing instruction in language acquisition to persons determined by the center to be eligible for services; and

(e) Providing programs designed to increase access to education, employment and health and social services.

3. A surcharge of not more than 8 cents per month is hereby imposed on each access line of each customer to the local exchange of any telephone company providing such lines in this State and on each personal wireless access line of each customer of any company that provides wireless phone services in this State. The surcharge must be used to:

(a) Cover the costs of the program;

(b) Fund the centers for persons who are deaf or hard of hearing established pursuant to subsection 2; and

(c) Cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

➡ The Public Utilities Commission of Nevada shall establish by regulation the amount to be charged. Those companies shall collect the surcharge from their customers and transfer the money collected to the Commission pursuant to regulations adopted by the Commission.

4. The Account for Services for Persons With Impaired Speech or Hearing is hereby created within the State General Fund and must be administered by the Division. Any money collected from the surcharge imposed pursuant to subsection 3 must be deposited in the State Treasury for credit to the Account. The money in the Account may be used only:

(a) For the purchase, maintenance, repair and distribution of the devices for telecommunication and other assistive technology, including the distribution of such devices and technology to state agencies and nonprofit organizations;

(b) To establish and maintain the dual-party relay system;

(c) To reimburse telephone companies and companies that provide wireless phone services for the expenses incurred in collecting and transferring to the Public Utilities Commission of Nevada the surcharge imposed by the Commission;

(d) For the general administration of the program developed and administered pursuant to subsection 1;

(e) To train persons in the use of the devices for telecommunication and other assistive technology;

(f) To fund the centers for persons who are deaf or hard of hearing established pursuant to subsection 2; and

(g) To cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800.

5. For the purposes of this section:

(a) "Device for telecommunication" means a device which is used to send messages through the telephone system, including, without limitation, the wireless phone system, which visually displays or prints messages received and which is compatible with the system of telecommunication with which it is being used.

(b) "Dual-party relay system" means a system whereby persons who have impaired speech or hearing, and who have been furnished with devices for telecommunication, may relay communications through third parties to persons who do not have access to such devices.

Sec. 4. The Division of Human Resource Management of the Department of Administration shall examine the duties and responsibilities of the interpreter positions made available pursuant to the program developed by the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 427A.797, as amended by section 3 of this act, and submit to the Interim Finance Committee a list of those duties and responsibilities and a recommended salary for the positions. The Interim Finance Committee shall review the duties and responsibilities of the positions and establish a salary for the positions.

~~{Sec. 3.}~~ Sec. 5. This act becomes effective on July 1, 2017.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 921 to Senate Bill No. 443 eliminates the General Fund appropriation of \$378,953.28 and the requirement that any remaining balance of the appropriation must revert to the General Fund at the end of the 2017-19 biennium; eliminates the requirement that the State positions are compensated at a level beginning at grade 37, step 5; and requires that the State positions are in the unclassified State service, and the Division of Human Resource Management within the Department of Administration shall review and submit a list of the positions' duties and responsibilities, along with a recommended salary to the Interim Finance Committee to establish a salary for the positions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 444.

Bill read second time and ordered to third reading.

Senate Bill No. 445.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 922.

SUMMARY—Makes an appropriation to the Eighth Judicial District Court for a Veterans Court Coordinator. (BDR S-148)

AN ACT making an appropriation to the Eighth Judicial District Court for a Veterans Court Coordinator; and providing other matters properly relating thereto.

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

Section 1. ~~111~~ There is hereby appropriated from the State General Fund to the Eighth Judicial District Court of the State of Nevada the sum of ~~[\$200,222]~~ \$98,356 for the salary of a Veterans Court Coordinator.

~~2. The money appropriated by subsection 1 is contingent upon matching money being provided from sources other than the appropriation made by that subsection. The State Controller shall not distribute any money from the appropriation made by subsection 1 until the matching money has been committed.~~

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, 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 20, 2019, 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 20, 2019.

Sec. 3. This act becomes effective on July 1, 2017.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 922 to Senate Bill No. 445 revises the General Fund appropriation for the Eighth Judicial District Court for a Veterans Court Coordinator from \$200,222 to \$98,356 and removes the requirement for matching funds.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 482.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1068.

SUMMARY ~~{Provides for the establishment of a system for rating certain}~~ Revises provisions relating to health care facilities. (BDR 40-605)

AN ACT relating to health care; requiring certain medical facilities and facilities for the dependent to post certain information near each public entrance to the facility and on any Internet website maintained by the facility; requiring the State Board of Health to establish a system for rating ~~{medical}~~ certain health care facilities ~~{and facilities for the dependent using letter grades; requiring the posting of the letter grade assigned to such a facility in certain places;}~~ based on compliance with requirements concerning staffing; revising requirements concerning money received by the Division of Public

and Behavioral Health of the Department of Health and Human Services from licensing certain health care facilities; establishing requirements concerning the membership of the staffing committee of certain hospitals; requiring that written policies concerning refusal of or objection to work assignments and documented staffing plans established by the staffing committee of certain hospitals be signed by each member of the staffing committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~authorizes the Division of Public and Behavioral Health of~~ requires the Department of Health and Human Services to ~~conduct inspections to ensure compliance with all applicable regulations and standards. (NRS 449.132) This~~ establish and maintain a program to increase public awareness of health care information concerning hospitals and surgical centers for ambulatory patients in this State. (NRS 439A.220, 439A.240) Section 1.5 of this bill additionally requires the Division of Public and Behavioral Health of the Department to post on an Internet website maintained by the Division links to: (1) the most recent star rating assigned by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services to each medical facility or facility for the dependent in this State that receives such a rating; and (2) the Ambulatory Surgical Center Quality Reporting Program maintained by the Centers for Medicare and Medicaid Services. Section 1.5 also requires a medical facility or facility for the dependent that receives a star rating from the Centers for Medicare and Medicaid Services to post the most recent star rating assigned to the facility: (1) in a conspicuous place near each entrance to the facility that is regularly used by the public; and (2) on the Internet website maintained by the facility, if the facility maintains an Internet website. Finally, section 1.5 requires a surgical center for ambulatory patients to post in those locations the address for the Internet website for the Ambulatory Surgical Center Quality Reporting Program maintained by the Centers for Medicare and Medicaid Services.

Existing law requires each hospital in a county whose population is 100,000 or more and which is licensed to have more than 70 beds to establish a staffing committee. (NRS 449.242) Existing law also requires health care facilities that meet the same requirements to establish: (1) a written policy that sets forth the circumstances under which a nurse or nursing assistant at the facility may refuse or object to a work assignment; and (2) a documented staffing plan for the facility. (NRS 449.2421, 449.2423) Section 1.8 of this bill requires ~~the~~ (1) the State Board of Health to establish a system for rating ~~medical~~ such health care facilities ~~and facilities for the dependent~~ based on ~~those inspections; (2) the rating system to provide for the assignment of a letter grade of A, B, C, D or F to each medical facility or facility for the dependent based on~~ compliance with ~~applicable statutes, regulations and standards; and (3)~~ such requirements. Section 1.8 requires the Board to establish procedures by which a facility may request a follow-up inspection

or appeal a finding concerning a violation. Thirty days after an investigation or inspection, or after a final ruling on any appeal or the completion of any follow-up inspection, whichever is later, section 1.8 requires the rating of ~~each~~ a facility to be posted on the Internet website maintained by the Division and in a conspicuous place near each entrance to the facility that is regularly used by the public.

Existing law requires one-half of the membership of a staffing committee of a hospital to be members of the licensed nursing staff and certified nursing assistants who are providing direct patient care at the hospital. (NRS 449.242) Section 8.3 of this bill requires those members to consist of: (1) one member representing each unit of the hospital who is a licensed nurse elected by the licensed nursing staff who are providing direct patient care on that unit; and (2) one member representing each unit who is a certified nursing assistant elected by the certified nursing assistants who are providing direct patient care on that unit. Section 8.3 also provides for the election of alternate members to represent the licensed nursing staff and certified nursing assistants who provide direct patient care on each unit. Additionally, section 8.3 establishes requirements concerning the election of such regular and alternate members. Section 8.5 of this bill requires the written policy concerning refusal of or objection to work assignments and the staffing plan of a hospital to be signed by each member of the staffing committee of the hospital.

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:~~ the provisions set forth as sections 1.5 and 1.8 of this act.

~~Sec. 1.5. 1. The Board shall adopt regulations establishing:~~  
~~— (a) A system for rating each medical facility and facility for the dependent based on an inspection conducted by the Division pursuant to NRS 449.132. The rating system must provide for the assignment of a letter grade of A, B, C, D or F to each medical facility or facility for the dependent based on compliance with applicable statutes, regulations and standards, including, without limitation, the number of resolved and unresolved violations and the severity of those violations.~~  
~~— (b) Procedures by which a medical facility or facility for the dependent that is assigned a grade of C, D or F may request a follow up inspection.~~  
~~2. Not later than 30 days after inspecting a medical facility or facility for the dependent pursuant to NRS 449.132, the~~ The Division shall post on an Internet website maintained by the Division ~~a report which must include:~~  
~~— (a) The letter grade assigned to the facility pursuant to subsection 1; and~~  
~~— (b) A report of each unresolved violation of an applicable statute or regulation and proposed actions to correct the violation.~~  
~~3. links to:~~

(a) The most recent star rating assigned by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services to each medical facility or facility for the dependent in this State that receives such a rating; and

(b) The Ambulatory Surgical Center Quality Reporting Program maintained by the Centers for Medicare and Medicaid Services.

2. A medical facility or facility for the dependent that receives a star rating from the Centers for Medicare and Medicaid Services shall post the ~~letter grade~~ most recent star rating assigned to the facility ~~pursuant to subsection 1 after the most recent inspection~~ in a conspicuous place near each entrance to the facility that is regularly used by the public and ~~inform any person of that letter grade upon request~~, if the facility maintains an Internet website that is accessible to the public, on that Internet website.

3. A surgical center for ambulatory patients shall post the address of the Internet website for the Ambulatory Surgical Center Quality Reporting Program maintained by the Centers for Medicare and Medicaid Services in a conspicuous place near each entrance to the surgical center for ambulatory patients that is regularly used by the public and, if the surgical center for ambulatory patients maintains an Internet website that is accessible to the public, on that Internet website.

Sec. 1.8. 1. The Division shall adopt regulations establishing:

(a) A system for rating each health care facility located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds on the compliance by the facility with the provisions of this section and NRS 449.241 to 449.2428, inclusive, including, without limitation, the number of resolved and unresolved violations and the severity of those violations. The rating system must provide for the assignment of a star rating of not more than five stars and not less than one star to each such facility after:

(1) Each inspection conducted by the Division pursuant to NRS 449.132; and

(2) Each investigation conducted by the Division pursuant to NRS 449.0307 concerning a complaint that alleges a violation of the provisions of this section and NRS 449.241 to 449.2428, inclusive.

(b) Procedures by which a health care facility located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds may, not later than 30 days after an investigation or inspection, appeal a finding concerning a violation of the provisions of this section and NRS 449.241 to 449.2428, inclusive, or request a follow-up inspection.

2. A star rating assigned pursuant to subsection 1 becomes final:

(a) Thirty days after the investigation or inspection on which the star rating is based; or

(b) After the completion of any follow-up inspection or the final determination of any appeal pursuant to subsection 1,

➡ whichever is later.

3. Not later than 5 days after a star rating becomes final pursuant to subsection 2, the Division shall post on an Internet website maintained by the Division a report which must include:

(a) The final star rating assigned to the facility pursuant to subsection 1; and

(b) A report of each unresolved violation of an applicable statute or regulation and all proposed actions to correct the violation.

4. A health care facility located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds shall post the final star rating assigned to the facility pursuant to subsection 1 after the most recent investigation or inspection in a conspicuous place near each entrance to the facility that is regularly used by the public and, if the facility maintains an Internet website that is accessible to the public, on that Internet website.

Sec. 2. NRS 449.030 is hereby amended to read as follows:

449.030 1. Except as otherwise provided in NRS 449.03013 and 449.03015, no person, state or local government or agency thereof may operate or maintain in this State any medical facility or facility for the dependent without first obtaining a license therefor as provided in NRS 449.030 to 449.2428, inclusive ~~[-], and ~~section 1.1~~ sections 1.5 and 1.8~~ of this act.

2. Unless licensed as a facility for hospice care, a person, state or local government or agency thereof shall not operate a program of hospice care without first obtaining a license for the program from the Board.

Sec. 3. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.030 to 449.2428, inclusive, ~~and ~~section 1.1~~ sections 1.5 and 1.8~~ 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 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.030 to 449.2428, inclusive, ~~and ~~section 1.1~~ sections 1.5 and 1.8~~ of this act and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups



pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.030 to 449.2428, inclusive [ ] , and ~~section 1.1~~ sections 1.5 and 1.8 of this act.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

↪ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➡ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 5. NRS 449.0306 is hereby amended to read as follows:

449.0306 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund ~~to the credit of the Division.~~

2. The Division shall enforce the provisions of NRS 449.030 to 449.245, inclusive, ~~and section 1.5 and 1.8 of this act~~, and may incur any necessary expenses not in excess of money ~~appropriated~~ authorized for that purpose by the State or received from the Federal Government.

Sec. 6. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.030 to 449.2428, inclusive, ~~and section 1.5 and 1.8 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 1.5 and 1.8 of this act~~, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ~~and section 1.5 and 1.8 of this act~~ and 449.435 to 449.965, inclusive, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➡ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 7. 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 449.2428, inclusive, ~~and *Section 1.1*~~ *sections 1.5 and 1.8 of this act* or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than \$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 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 Division may require any facility that violates any provision of NRS 439B.410 or 449.030 to 449.2428, inclusive, ~~and section 1.1~~ sections 1.5 and 1.8 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 NRS 449.001 to 449.430, inclusive, ~~and section 1.1~~ sections 1.5 and 1.8 of this act and 449.435 to 449.965, inclusive, to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 8. NRS 449.220 is hereby amended to read as follows:

449.220 1. The 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 449.2428, inclusive ~~;~~, ~~and section 1.1~~ sections 1.5 and 1.8 of this act:

(a) Without first obtaining a license therefor; or

(b) After his or her license 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 such a facility without a license.

Sec. 8.1. NRS 449.241 is hereby amended to read as follows:

449.241 As used in NRS 449.241 to 449.2428, inclusive, ~~and section 1.8 of this act~~, unless the context otherwise requires, the words and terms defined in NRS 449.2413 to 449.2418, inclusive, have the meanings ascribed to them in those sections.

Sec. 8.3. NRS 449.242 is hereby amended to read as follows:

449.242 1. Each hospital located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds shall establish a staffing committee to develop a written policy as required pursuant to NRS 449.2423 and a documented staffing plan as required pursuant to NRS 449.2421. The staffing committee must consist of:

(a) Not less than one-half of the total regular members of the staffing committee from the licensed nursing staff and certified nursing assistants who are providing direct patient care at the hospital ~~;~~ ~~and~~ The members described in this paragraph must consist of:

(1) One member representing each unit of the hospital who is a licensed nurse who provides direct patient care on that unit, elected by the licensed

nursing staff who provide direct patient care on the unit that the member will represent.

(2) One member representing each unit of the hospital who is a certified nursing assistant who provides direct patient care on that unit, elected by the certified nursing assistants who provide direct patient care on the unit that the member will represent.

(b) Not less than one-half of the total regular members of the staffing committee appointed by the administration of the hospital.

(c) One alternate member representing each unit of the hospital who is a licensed nurse or certified nursing assistant who provides direct patient care on that unit, elected by the licensed nursing staff and certified nursing assistants who provide direct patient care on the unit that the member represents.

2. Each time a new staffing committee is formed, the administration of the hospital shall hold an election to select the members described in paragraphs (a) and (c) of subsection 1. Each licensed nurse and certified staffing assistant who provides direct patient care at the hospital must be allowed at least 3 days to vote for:

(a) The regular member described in paragraph (a) of subsection 1 who will represent his or her unit and profession; and

(b) The alternate member described in paragraph (c) of subsection 1 who will represent his or her unit.

3. If a vacancy occurs in a position on a staffing committee described in paragraph (a) or (c) of subsection 1, a new regular or alternate member, as applicable, must be elected in the same manner as his or her predecessor.

4. In developing the written policy and the staffing plan, the staffing committee shall consider, without limitation, the information received pursuant to paragraph (b) of subsection 5 of NRS 449.2423 regarding requests to be relieved of a work assignment, refusals of a work assignment and objections to a work assignment.

~~{3.}~~ 5. The staffing committee of a hospital shall meet at least quarterly.

~~{4.}~~ 6. Each hospital that is required to establish a staffing committee pursuant to this section shall prepare a written report concerning the establishment of the staffing committee, the activities and progress of the staffing committee and a determination of the efficacy of the staffing committee. The hospital shall submit the report on or before December 31 of each:

(a) Even-numbered year to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

(b) Odd-numbered year to the Legislative Committee on Health Care.

Sec. 8.5. NRS 449.2421 is hereby amended to read as follows:

449.2421 1. As a condition of licensing, a health care facility located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds shall make available to the Division a written policy adopted pursuant to NRS 449.2423, a documented staffing plan and a written

certification that the written policy and the documented staffing plan are adequate to meet the needs of the patients of the health care facility. If the health care facility is a hospital, the written policy and the documented staffing plan must:

(a) Be signed by each member of the staffing committee of the hospital established pursuant to NRS 449.242 to indicate that the member has received a copy of the written policy and the staffing plan and, if applicable, actively participated in the development of the written policy and the staffing plan; and

(b) Include a place where a member of the staffing committee may note any objections to the written policy or the staffing plan.

2. The documented staffing plan must include, without limitation:

(a) A detailed written plan setting forth:

(1) The number, skill mix and classification of licensed nurses required in each unit in the health care facility, which must take into account the experience of the clinical and nonclinical support staff with whom the licensed nurses collaborate, supervise or otherwise delegate assignments; and

(2) The number of certified nursing assistants required in each unit in the health care facility;

(b) A description of the types of patients who are treated in each unit, including, without limitation, the type of care required by the patients;

(c) A description of the activities in each unit, including, without limitation, discharges, transfers and admissions;

(d) A description of the size and geography of each unit;

(e) A description of any specialized equipment and technology available for each unit;

(f) Any foreseeable changes in the size or function of each unit; and

(g) Protocols for adequately staffing the health care facility:

(1) In the event of an emergency, including, without limitation, mass casualties and a significant change in the acuity or number of patients;

(2) If applicable, in circumstances when a significant number of patients are diverted from another facility; and

(3) If a licensed nurse or certified nursing assistant is absent or refuses a work assignment pursuant to NRS 449.2423.

~~{2-}~~ 3. A documented staffing plan must provide sufficient flexibility to allow for adjustments based upon changes in a unit of the health care facility.

~~{3-}~~ 4. The health care facility shall ensure that it is staffed in accordance with the documented staffing plan.

Sec. 8.7. NRS 449.2428 is hereby amended to read as follows:

449.2428 For each health care facility which is located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds, the Division shall:

1. Ensure the general compliance of the health care facility with the provisions of NRS 449.241 to 449.2428, inclusive, and section 1.8 of this



*act*, including, without limitation, those provisions relating to documented staffing plans and written policies adopted pursuant to NRS 449.2423; and

2. Adopt such regulations as are necessary or appropriate to carry out the provisions of this section.

Sec. 9. 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 449.2428, inclusive, ~~and *section 1.5*~~ and sections 1.5 and 1.8 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. 10. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2018, for all other purposes.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1068 makes several changes to Senate Bill No. 482. It requires the State Division of Public and Behavioral Health on its website to post an Internet link to the most recent "Star" rating assigned by the federal Centers for Medicare and Medicaid Services (CMS) to each medical facility or facility for the dependent in Nevada that receives such a rating and requires each medical facility and facility for the dependent that receives a "Star" rating from CMS to post the most recent rating on the facility's public Internet website, if it maintains a website.

It requires the Division to adopt regulations to establish a system for rating each health-care facility licensed for more than 70 beds that is located in a county with a population of 100,000 or more on the facility's compliance with the provisions of this section and NRS 449.241 to 449.2428, which pertains to staffing. Also, the amendment requires the Division to post certain information relating to a facility's rating after each inspection and investigation; revises the required membership of the staffing committee and the written staffing plan of hospitals located in counties with a population of 100,000 or more and licensed for more than 70 beds; requires the Division shall post on the Division's website an Internet link to the Ambulatory Surgery Center Quality Reporting Program managed by the Centers for Medicare and Medicaid Services, and adds the requirement that an ambulatory surgery center shall "post a notice in a conspicuous place near each entrance to the facility that is used by the public the Internet website of the Centers for Medicare and Medicaid Services' Ambulatory Surgery Center Quality Reporting program."

Finally, the amendment makes two changes to clarify that fees charged and collected by the Division of Public and Behavioral Health for the licensing of medical facilities and facilities for the dependent are credited to the agency, and clarifies that budgeted funds are "authorized" rather than "appropriated."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 144.

Bill read second time and ordered to third reading.

Assembly Bill No. 183.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1062.

SUMMARY—Revises provisions governing the collection of a hospital bill. (BDR 40-694)

AN ACT relating to hospitals; limiting the amount that a hospital may collect or attempt to collect from a patient or other responsible party under certain circumstances; establishing provisions relating to statutory liens on a judgment or settlement; requiring a hospital to provide notice of intent to file such a lien in certain circumstances; ~~providing for an award of damages for improperly asserting or perfecting such a lien;~~ and providing other matters properly relating thereto.

## Legislative Counsel's Digest:

Existing law limits the collection rights of a hospital if a patient is covered by a policy of health insurance issued by a third party and the hospital has a contract with that party. The hospital may not collect or attempt to collect its charges from an insurer other than a health insurer, including an insurer that provides coverage under a policy of casualty or property insurance. These limitations currently do not apply to Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the hospital bill. (NRS 449.758) Section 2 of this bill limits the amount that the hospital may collect or attempt to collect from the patient or other responsible party to ~~[the lesser of: (1) the amounts payable by or on behalf of the patient under the policy, or (2) the amount provided in the contract between the hospital and the third party.]~~ Section 2 also deletes the specific reference to property insurance, ~~[and removes the exemption for Medicaid, the Children's Health Insurance Program and other public programs.]~~

Section 2 additionally requires a hospital that collects or receives any payments from an insurer that provides medical payment coverage under a policy of casualty insurance to return to the patient ~~[for the person identified in the hospital bill as the responsible party]~~ any amount collected or received that is in excess of the deductible, copayment or coinsurance payable by or on behalf of the patient under the policy of health insurance not later than 30 days after a determination is made concerning coverage.

Existing law provides that a hospital has statutory liens for any amount due to the hospital for the reasonable value of the care rendered to an injured person. The liens apply to any award of damages or settlement obtained by the injured person or the personal representative of the injured person from a person responsible for the injury causing the hospitalization or, in the case of a county or district hospital, any real property of the injured person or other responsible party. (NRS 108.590, 108.662) Under section 2.5 of this bill, if a hospital provides care to an injured person who has a policy of health insurance issued by a third party and the hospital has a contract with that party and wishes to be able to perfect a statutory lien on a judgment or settlement, the hospital is required to send a notice of intent to file a lien to certain persons after the hospital submits a claim to the third party but not later than 90 days after the termination of the hospitalization of the injured person. ~~[After the claim is accepted by the third party or, if the claim is denied, all available appeals have been exhausted, the hospital is required to mail written notice to the injured person or the personal representative of the injured person, specifying the amount due. Section 2.5 authorizes a hospital to perfect the statutory lien for any amount due if, within 30 days after such written notice is mailed, the amount due is not paid or an agreement for a payment plan is not entered into.]~~ Within 30 days after sending such a notice, section 2.5 requires a hospital to proceed with any efforts to collect on any amount owed to the hospital in accordance with existing law. Section 2.5 additionally provides that if a hospital provides notice of intent to file a lien,

the hospital must be provided notice of any judgment, settlement or compromise.

~~[Section 2.7 of this bill provides that a statutory lien on a judgment or settlement is the exclusive method of collection against an injured person and any amount received pursuant to the lien constitutes complete satisfaction of any debt owed by the injured person to the hospital for the care provided.]~~

~~Section 2.9 of this bill provides that if a hospital improperly asserts or perfects a statutory lien on a judgment or settlement, the injured person is entitled to damages equal to twice the amount of the lien.~~

~~Under section] Section 3.7 of this bill [, if a hospital perfects a lien and subsequently receives information that the injured person has a policy of health insurance issued by a third party and the hospital has a contract with that party, the hospital is required to file a claim with the third party and wait for the claim to be adjudicated and all available appeals to be exhausted before the hospital is able to collect any amount under the lien.~~

~~Sections 3 and 4 of this bill limit the amount of a hospital's statutory liens in certain circumstances.] makes conforming changes.~~

Section 2.6 of this bill prohibits the hospital from collecting more than 55 percent of the charges billed by the hospital if the injured person may be eligible for Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the bill.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 449.758 is hereby amended to read as follows:

449.758 1. Except as otherwise provided in subsection ~~{2,}~~ 3, if a hospital provides hospital care to a person who has a policy of health insurance issued by a third party that provides health coverage for care provided at that hospital and the hospital has a contractual agreement with the third party, the hospital ~~{shall}~~ :

(a) Shall proceed with any efforts to collect on any amount owed to the hospital for the hospital care in accordance with the provisions of NRS 449.757. ~~{and shall}~~

(b) Shall not collect or attempt to collect from the patient or other responsible party more than the ~~lesser of:~~

~~(1) The sum of the amounts of any deductible, copayment or coinsurance payable by or on behalf of the patient under the policy of health insurance, or~~

~~(2) The amount provided in the contractual agreement between the hospital and the third party.]~~

(c) Shall not collect or attempt to collect that amount from:

~~{(a)}~~ (1) Any proceeds or potential proceeds of a civil action brought by or on behalf of the patient, including, without limitation, any amount awarded for medical expenses; or

~~[(b)]~~ (2) An insurer other than ~~[a health]~~ *an insurer* ~~[, including, without limitation,]~~ *that provides coverage under a policy of health insurance or an insurer that provides coverage for medical payments under a policy of casualty* ~~[or property]~~ *insurance.*

2. *If the hospital collects or receives any payments from an insurer that provides coverage for medical payments under a policy of casualty insurance, the hospital shall, not later than 30 days after a determination is made concerning coverage, return to the patient* ~~[for the person identified in the hospital bill as the responsible party]~~ *any amount collected or received that is in excess of the deductible, copayment or coinsurance payable by or on behalf of the patient* ~~[or person]~~ *under the policy of health insurance.*

3. This section does not apply to:

(a) Amounts ~~[amounts]~~ owed to the hospital *which are not covered* under the policy of health insurance ~~[that are not collectible]~~ ; or

(b) Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the bill.

~~[3.]~~ 4. This section does not limit any rights of a patient to contest an attempt to collect an amount owed to a hospital, including, without limitation, contesting a lien obtained by a hospital.

~~[4.]~~ 5. As used in this section, "third party" ~~[has the meaning ascribed to it in NRS 439B.260.]~~ *means:*

(a) *An insurer, as defined in NRS 679B.540;*

(b) *A health benefit plan, as defined in NRS 689A.540, for employees which provides coverage for services and care at a hospital;*

(c) *A participating public agency, as defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or*

(d) *Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.*

Sec. 2.1. Chapter 108 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.3 to 2.9, inclusive, of this act.

Sec. 2.3. *As used in NRS 108.590 to 108.660, inclusive, and sections 2.3 to 2.9, inclusive, of this act, unless the context otherwise requires, "third party" has the meaning ascribed to it in subsection 5 of NRS 449.758.*

Sec. 2.5. 1. *If a hospital provides hospital care to an injured person who has a policy of health insurance issued by a third party that provides health coverage for care provided at the hospital and the hospital has a contractual agreement with the third party and wishes to be able to perfect a lien pursuant to NRS 108.610, the hospital shall, after submitting a claim to the third party but not later than 90 days after the termination of hospitalization, send a notice of intent to file a lien by registered or certified mail to:*

(a) *The insurance carrier, if known, which has insured against liability of the person alleged to be responsible for causing the injury and liable on*

account thereof and from which damages are claimed and any legal representative of that person; and

(b) The injured person or personal representative of the injured person, as applicable, and any legal representative of the injured person or personal representative.

2. ~~{The}~~ Within 30 days after sending a notice ~~sent~~ pursuant to subsection 1 ~~must contain the following information:~~

~~— (a) The charges billed by the hospital for the services provided to the injured person;~~

~~— (b) The reasonable estimate by the hospital of the amount to be paid by the third party; and~~

~~— (c) The reasonable estimate by the hospital of the amount of any deductible, copayment or coinsurance to be paid by the injured person.}~~ , the hospital shall proceed with any efforts to collect on any amount owed to the hospital for the hospital care in accordance with the provisions of NRS 449.757.

3. ~~{After a claim is submitted to a third party and the claim is accepted or, if the claim is denied, all available appeals have been exhausted, the hospital shall deliver written notice by first class mail to the injured person or the personal representative of the injured person, as applicable, specifying the total amount due.~~

~~4. If, within 30 days after the date that written notice is mailed pursuant to subsection 3, the total amount due is not paid or the injured person or the personal representative of the injured person does not enter into an agreement with the hospital to make payments toward the amount due, the hospital may perfect the lien for any amount due in accordance with the provisions of NRS 108.610.~~

~~5.}~~ If an injured person or the personal representative of an injured person is awarded by judgment or obtains by a settlement or compromise a sum of money after a notice of intent to file a lien is received pursuant to this section:

(a) Any person receiving such notice shall provide written notice to the hospital of the judgment, settlement or compromise; and

(b) The insurance carrier and any attorney holding the money in trust shall proceed as if the lien is perfected pursuant to NRS 108.610 ~~if~~ unless the hospital fails to comply with subsection 2.

4. If the hospital fails to comply with subsection 2, the notice of intent to file a lien shall be deemed void ab initio.

5. This section does not apply to Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the bill.

Sec. 2.6. If an injured person may be eligible for Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the bill, the hospital shall not receive any amount pursuant to a lien asserted pursuant to NRS 108.590 to 108.660, inclusive,

and sections 2.3 to 2.6, inclusive, of this act, equal to more than 55 percent of the charges billed by the hospital.

~~Sec. 2.7. [A lien asserted pursuant to NRS 108.590 to 108.660, inclusive, and sections 2.3 to 2.9, inclusive, of this act is the exclusive method of collection against an injured person, and any amount received pursuant to the lien constitutes complete satisfaction of any debt owed by the injured person to the hospital for the hospital care provided.] (Deleted by amendment.)~~

~~Sec. 2.9. [If a hospital asserts or perfects a lien in violation of NRS 108.590 to 108.660, inclusive, and sections 2.3 to 2.9, inclusive, of this act, the injured person is entitled to damages equal to twice the amount of the lien.] (Deleted by amendment.)~~

~~Sec. 3. [NRS 108.590 is hereby amended to read as follows:~~  
~~108.590 1. [Whenever] Except as otherwise provided in subsection 2,~~  
~~whenever any person receives hospitalization on account of any injury, and~~  
~~the injured person, or a personal representative after the person's death,~~  
~~claims damages from the person responsible for causing the injury, the~~  
~~hospital has a lien upon any sum awarded the injured person or the personal~~  
~~representative by judgment or obtained by a settlement or compromise to the~~  
~~extent of the amount due the hospital for the reasonable value of the~~  
~~hospitalization rendered before the date of judgment, settlement or~~  
~~compromise.~~  
~~2. Except as otherwise provided in subsection 3, if a hospital provides~~  
~~hospital care to an injured person who has a policy of health insurance~~  
~~issued by a third party that provides health coverage for care provided at the~~  
~~hospital and the hospital has a contractual agreement with the third party,~~  
~~the reasonable value of the hospitalization rendered is limited to the lesser~~  
~~of:~~  
~~(a) The sum of the amounts of any deductible, copayment or coinsurance~~  
~~payable by or on behalf of the injured person under the policy of health~~  
~~insurance; or~~  
~~(b) The amount provided in the contractual agreement between the~~  
~~hospital and the third party.~~  
~~3. The provisions of subsection 2 do not apply if the third party denies~~  
~~coverage for the services provided to the injured person and all available~~  
~~appeals provided pursuant to the policy of health insurance have been~~  
~~exhausted. For the purposes of this subsection, a claims adjudication by a~~  
~~third party that another person is responsible for payment is not a denial of~~  
~~coverage.~~  
~~4. The lien provided by this section is:~~  
~~(a) Not valid against anyone coming under the provisions of~~  
~~chapters 616A to 616D, inclusive, or chapter 617 of NRS.~~  
~~(b) In addition to the lien provided by NRS 108.662.] (Deleted by~~  
~~amendment.)~~

Sec. 3.3. NRS 108.600 is hereby amended to read as follows:

108.600 1. No rights or claims for liens under NRS 108.590 to 108.660, inclusive, *and sections 2.3 to 2.9, inclusive, of this act* shall be allowed for hospitalization rendered an injured person after a settlement has been effected by or on behalf of the party causing the injury.

2. No lien shall apply or be allowed against any sum incurred by the injured party for necessary attorney fees, costs and expenses incurred by the injured party in securing a settlement, compromise or recovering damages by an action at law.

Sec. 3.7. NRS 108.610 is hereby amended to read as follows:

108.610 ~~1.1~~ In order to perfect ~~the~~ a lien ~~it~~ provided by NRS 108.590, the hospital or the owner or operator thereof ~~shall~~ ~~1.1~~ must comply with the provisions of section 2.5 of this act, if applicable, and:

~~1.1~~ 1. Before the payment of any money to the injured person, the personal representative of the injured person or to a legal representative as compensation for injuries received, record a notice of lien, substantially in the form prescribed in NRS 108.620, containing an itemized statement of the amount claimed. The notice of lien must be filed with:

(a) ~~1.1~~ The county recorder of the county wherein the hospital is located; and

(b) ~~1.2~~ The county recorder of the county wherein the injury was suffered, if the injury was suffered in a county other than that wherein the hospital is located.

2. ~~1.3~~ Before the date of judgment, settlement or compromise, serve a certified copy of the notice of lien by registered or certified mail upon the person alleged to be responsible for causing the injury and liable for damages on account thereof and from which damages are claimed.

3. ~~1.4~~ Before the date of judgment, settlement or compromise, serve a certified copy of the notice of lien by registered or certified mail upon the insurance carrier, if known, which has insured against liability of the person alleged to be responsible for causing the injury and liable for damages on account thereof and from which damages are claimed.

~~2. If a hospital perfects a lien and, before collecting any amount under the lien, receives information that the injured person has a policy of health insurance issued by a third party that provides health coverage for care provided at the hospital and the hospital has a contractual agreement with the third party, the hospital must file a claim with the third party and wait for the claim to be adjudicated and all available appeals to be exhausted before the hospital may collect any amount under the lien.~~

Sec. 4. ~~NRS 108.662 is hereby amended to read as follows:~~

~~108.662 1. Except as otherwise provided in subsection 4, a county or district hospital has a lien upon the real property of a person for charges incurred and unpaid for the care of the owner of the property or a person for whose support the owner is legally responsible. If the provisions of~~



~~NRS 449.757 or 449.758 are applicable, the amount of the lien is limited to the amount the hospital is entitled to collect pursuant to those sections.~~

~~2. The notice of the lien must be served upon the owner by certified or registered mail and filed in the office of the county recorder of the county where the real property is located not sooner than 90 days nor later than:~~

~~(a) Three years after the patient's discharge; or~~

~~(b) One year after the patient defaults on payments made pursuant to a written contract;~~

~~↳ whichever is later, except that the notice may be served and filed within 6 months after any default pursuant to a written contract.~~

~~3. The notice of the lien must contain:~~

~~(a) The amount due;~~

~~(b) The name of the owner of record of the property; and~~

~~(c) A description of the property sufficient for identification.~~

~~4. If the amount due as stated in the notice of lien is reduced by payments and any person listed in subsection 2 of NRS 108.665 gives written notice of that reduction to the county or district hospital which recorded the lien, the county or district hospital shall amend the notice of lien stating the amount then due, within 10 days after it receives the written notice.~~

~~5. A county or district hospital shall not assign, sell or transfer the interest of the hospital in a lien created pursuant to this section.~~

~~‡ (Deleted by amendment.)~~

Sec. 4.5. The amendatory provisions of this act apply to a person who is admitted to a hospital on or after July 1, 2017.

Sec. 5. This act becomes effective on July 1, 2017.

Senator Segerblom moved that Assembly Bill No. 183 be taken from the Second Reading File and placed on the Secretary's desk.

Motion carried.

Assembly Bill No. 371.

Bill read second time and ordered to third reading.

Assembly Bill No. 417.

Bill read second time and ordered to third reading.

Assembly Bill No. 436.

Bill read second time and ordered to third reading.

Assembly Bill No. 491.

Bill read second time and ordered to third reading.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 249.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 991.

SUMMARY—Requires instruction in financial literacy and economics in public schools. (BDR 34-62)

AN ACT relating to education; requiring instruction in financial literacy for certain pupils enrolled in public schools; requiring a pupil enrolled in a public high school to receive instruction in economics; creating the Account for Instruction in Financial Literacy in the State General Fund; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a pupil enrolled in a public high school to enroll in a certain number of credits in certain subject areas. (NRS 389.018) Section 2 of this bill requires a pupil enrolled in a public high school to enroll in one-half unit of credit in economics and limits American government to one-half unit of credit, but allows a school district to authorize a school to offer a combined course in American government and economics for one unit of credit in certain circumstances. Section 7 of this bill makes those provisions effective on July 1, 2022.

Existing law requires instruction in financial literacy for pupils enrolled in high school in each school district and in each charter school that operates as a high school. (NRS 389.074) Section 3 of this bill additionally requires instruction in financial literacy for pupils enrolled in grades 3 to 12, inclusive. Section 3 requires the Council to Establish Academic Standards for Public Schools to include the standards of content and performance for instruction in financial literacy in the standards of content and performance established by the Council. Section 3 also requires that instruction in financial literacy: (1) be age-appropriate; (2) include certain topics; and (3) be provided within a course of study for which the Council has established the relevant standards of content and performance. Section 1 of this bill creates the Account for Instruction in Financial Literacy in the State General Fund and provides that money in the Account generally may be used only for providing the instruction in financial literacy required by section 3.

Existing law requires the board of trustees of each school district and the governing body of each charter school to ensure that teachers employed by the school district or charter school have access to certain professional development training. (NRS 391A.370) Section 4 of this bill requires each school district and the governing body of a charter school in which pupils are enrolled in any grade of grades 3 to 12, inclusive, to provide professional development training regarding financial literacy to teachers who teach in a subject area in which instruction in financial literacy is provided. The professional development training required by section 4 may be provided by a school district or governing body or through an agreement with an institution of higher education or a regional training program for professional development of teachers and administrators.

Section 4.5 of this bill makes an appropriation to carry out the provisions of this bill. Section 5 of this bill requires the Council to Establish Academic Standards for Public Schools to establish standards of content and

performance for the instruction in financial literacy and to revise the standards of content and performance for instruction in American government by ~~[August]~~ December 1, 2017, and requires the State Board of Education to adopt and revise such standards of content and performance by ~~[October 1, 2017.]~~ February 1, 2018.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Account for Instruction in Financial Literacy 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. The interest and income earned on the sum of the money in the Account and any unexpended appropriations made to the Account from the State General Fund must be credited to the Account. Any money remaining in the Account at the end of the 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 subsection 1, the money in the Account may be used only for providing the instruction in financial literacy required by NRS 389.074. The State Board shall adopt regulations governing the distribution of money in the Account for this purpose.*

Sec. 2. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) English language arts;
- (b) Mathematics;
- (c) Science; and
- (d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

- (a) Four units of credit in English language arts;
- (b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;
- (c) Three units of credit in science, including two laboratory courses; and
- (d) Three units of credit in social studies, including, without limitation:
  - (1) *One-half unit of credit in American government;*
  - (2) *Two units of credit in American history* ~~[-and~~

~~—(3) World~~, world history or geography ~~[-]~~; and

(3) *One-half unit of credit in economics.*

↪ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable. *A school district may authorize one or more public high schools in the school district to offer a combined course in American government and economics for one unit of credit which satisfies the requirements of subparagraphs (1) and (3) if the curriculum of an advanced placement course is used for American government in the combined course.*

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) The arts;
- (b) Computer education and technology;
- (c) Health; and
- (d) Physical education.

↪ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021 and the instruction prescribed by subsection 1 of NRS 389.064, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 3. NRS 389.074 is hereby amended to read as follows:

389.074 1. The board of trustees of each school district and the governing body of each charter school ~~that operates as a high school~~ shall ensure that instruction ~~for~~ in financial literacy is provided to pupils enrolled in *grades 3 to 12, inclusive*, in each public ~~high~~ school within the school district or in the charter school, as applicable. The instruction must include, without limitation:

(a) The skills necessary to develop financial responsibility, including, without limitation:

- (1) Making reasonable financial decisions by analyzing the alternatives and consequences of those financial decisions;
- (2) Locating and evaluating financial information from various sources;
- (3) *Judging the quality of services offered by a financial institution;*
- (4) Developing communication strategies to discuss financial issues;
- ~~[(4)]~~ (5) Controlling personal information; and

~~{{5}}~~ (6) Reviewing and summarizing federal and state consumer protection laws.

(b) The skills necessary to manage finances, including, without limitation:

- (1) Developing a plan for spending and saving;
- (2) Developing a system for keeping and using financial records; and
- (3) Developing a personal financial plan.

(c) The skills necessary to understand the use of credit and the incurrence of debt, including, without limitation:

- (1) Identifying the costs and benefits of various types of credit;
- (2) *Understanding the methods to manage debt and the consequences of acquiring debt;*
- (3) *Understanding how interest rates, compounding frequency and the terms of a loan can affect the cost of credit;*
- (4) *Completing an application for a loan;*
- (5) *Understanding different types of loans, including, without limitation, payday loans, automobile loans, student loans and mortgages;*
- (6) Explaining the purpose of a credit report, including, without limitation, the manner in which a credit report is used by lenders;

~~{{3}}~~ (7) Describing the rights of a borrower regarding his or her credit report;

~~{{4}}~~ (8) Identifying methods to avoid and resolve debt problems; and

~~{{5}}~~ (9) Reviewing and summarizing federal and state consumer credit protection laws.

(d) The skills necessary to understand the basic principles of saving and investing, including, without limitation:

(1) Understanding how saving and investing contribute to financial well-being;

(2) Understanding the methods of investing and alternatives to investing;

(3) Understanding how to buy and sell investments; ~~and~~

(4) *Understanding compound interest, including, without limitation, in the context of investments;*

(5) *Understanding various types of securities, including, without limitation, stocks and bonds; and*

(6) Understanding how the regulation of financial institutions protects investors.

(e) *The skills necessary to prevent and limit the consequences of identity theft and fraud.*

(f) *The skills necessary to understand the basic assessment of taxes, including, without limitation, understanding the matter in which taxes are computed by local, state and federal governmental entities.*

(g) *The skills necessary to understand the basic principles of insurance, including, without limitation:*

- (1) *Understanding the function of various insurance policies; and*
- (2) *Determining the quality of an insurance provider.*

(h) *The skills necessary to plan for higher education and career choices, including, without limitation:*

(1) *Information concerning institutions of higher education and college preparedness;*

(2) *Information concerning career options;*

(3) *Writing a resume;*

(4) *Information concerning opportunities for financial aid, including the Free Application for Federal Student Aid and the programs of the Western Interstate Commission for Higher Education, and the manner in which to qualify for such opportunities;*

(5) *Information concerning scholarship opportunities, including, without limitation, the Governor Guinn Millennium Scholarship Program and Silver State Opportunity Grant Program; and*

(6) *Information concerning prepaid tuition and college savings programs and plans established pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529.*

2. *The standards of content and performance for the instruction in financial literacy required by subsection 1 ~~[may]~~ must be included in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520. The instruction required by subsection 1 must be:*

(a) *Age-appropriate; and*

(b) *Included within a course ~~for program of instruction that pupils enrolled in high school are otherwise required to complete for graduation.~~ of study for which the Council has established the relevant standards of content and performance, including, without limitation, a course of study in economics, mathematics or social studies.*

3. *The board of trustees of each school district and the governing body of each charter school in which pupils are enrolled in any grade of grades 3 to 12, inclusive, shall encourage:*

(a) *Persons to donate money to the Account for Instruction in Financial Literacy created by section 1 of this act;*

(b) *Persons to volunteer time, expertise and resources to assist a school district, governing body of a charter school, public school or teacher in the provision of instruction in financial literacy; and*

(c) *Partnerships between a school district or charter school and relevant persons, businesses or entities in which those persons, businesses or entities provide the resources necessary to provide instruction in financial literacy.*

Sec. 4. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

*Each school district and the governing body of a charter school in which pupils are enrolled in any grade of grades 3 to 12, inclusive, shall provide professional development training regarding financial literacy to teachers who teach in a subject area in which instruction in financial literacy is provided. Such professional development training may be provided by the*

*school district or governing body or through an agreement with an institution of higher education or a regional training program for professional development of teachers and administrators.*

Sec. 4.5. 1. There is hereby appropriated from the State General Fund to the Clark County School District to carry out the provisions of this act the following sums:

For the Fiscal Year 2017-2018.....	<del>(\$1,000,000)</del>	<u>\$700,000</u>
For the Fiscal Year 2018-2019.....		\$1,000,000

2. There is hereby appropriated from the State General Fund to the Washoe County School District to carry out the provisions of this act the following sums:

For the Fiscal Year 2017-2018.....	<del>(\$300,000)</del>	<u>\$200,000</u>
For the Fiscal Year 2018-2019.....		\$300,000

3. There is hereby appropriated from the State General Fund to the Department of Education to carry out the provisions of this act the following sums:

For the Fiscal Year 2017-2018.....	<del>(\$200,000)</del>	<u>\$100,000</u>
For the Fiscal Year 2018-2019.....		\$200,000

4. Any balance of the sums appropriated by subsections 1, 2 and 3 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

5. Money appropriated pursuant to subsection 1 or 2 must be used to support instruction in financial literacy or economics, including, without limitation, by providing professional development training regarding financial literacy to teachers who teach in a subject area in which instruction in financial literacy is provided.

6. Money appropriated pursuant to subsection 3 must be used to award grants of money to school districts other than the Clark County School District and Washoe County School District and to the sponsors of charter schools that submit an application to the Department of Education. The amount granted to each school district and charter school must be based upon the number of pupils enrolled in each such school district or charter school, as applicable, who are enrolled in a subject area in which instruction in financial literacy is provided, and not on a competitive basis.

7. The sums appropriated by this section must be accounted for separately from any other money and used only for the purposes specified in this section.

Sec. 5. The Council to Establish Academic Standards for Public Schools created by NRS 389.510 shall establish the standards of content and performance for instruction in financial literacy and revise the standards of content and performance for instruction in American government on or before ~~[August]~~ December 1, 2017. The State Board of Education shall adopt standards of content and performance for instruction in financial literacy and revise standards of content and performance for instruction in American government on or before ~~[October 1, 2017.]~~ February 1, 2018.

Sec. 6. (Deleted by amendment.)

Sec. 7. 1. This section and sections 1, 3, 4, 5 and 6 of this act become effective upon passage and approval.

2. Section 4.5 of this act becomes effective on July 1, 2017.

3. Section 2 of this act becomes effective on July 1, 2022.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 991 makes various changes to Senate Bill No. 249. Specifically, this amendment revises the date the Council to Establish Academic Standards for Public Schools must establish standards of content for instruction in financial literacy from on or before August 1, 2017, to on or before December 1, 2017; revises the date the State Board of Education must adopt standards of content for instruction in financial literacy from on or before October 1, 2017, to on or before February 1, 2018; reduces the General Fund appropriation to \$1 million in FY 2018 for educator professional development with \$700,000 appropriated to the Clark County School District, \$200,000 appropriated to the Washoe County School District and \$100,000 appropriated to the Department of Education for distribution to all other school districts and State-sponsored charter schools.

Amendment adopted.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 249 would require age appropriate instruction in financial literacy for students in grades 3 through 12. The bill would also require a public high school student to enroll in one-half unit of credit in economics and limits American government to one-half unit of credit. In addition, the bill would allow a school district to offer a combined course in American government and economics for one unit of credit.

Senate Bill No. 249 would create the Account for Instruction in Financial Literacy in the State General Fund that would be administered by the Superintendent of Public Instruction to accept gifts and grants of money to provide instruction in financial literacy. The bill would also require the board of trustees for each school district and governing bodies of charter schools to encourage persons to donate money to the Account for Instruction in Financial Literacy, persons to volunteer time and expertise to assist in the instruction in financial literacy and partnerships between school and business to provide instruction in financial literacy. The bill would require the Council to Establish Academic Standards for Public Schools to establish standards of content for instruction in financial literacy on or before December 1, 2017, and would require the State Board of Education to adopt these standards on or before February 1, 2018.

Senate Bill No. 249 contains General Fund appropriations of \$1 million in FY 2018 and \$1.5 million in FY 2019 that would be distributed to the Clark County School District, the Washoe County School District and the Department of Education to provide professional development for educators that would provide instruction in financial literacy or economics.

Roll call on Senate Bill No. 249:

YEAS—20.

NAYS—Gustavson.



Senate Bill No. 249 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 303.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1067.

SUMMARY—Requires an audit of certain performance assessments conducted in public schools. (BDR S-306)

AN ACT relating to education; requiring the Department of Education to generate and carry out a plan for auditing the assessments conducted to monitor the performance of pupils and schools in the public school system in this State; requiring the plan to comply with the grant application process set forth in applicable federal law; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In December 2015, the Every Student Succeeds Act took effect. (Pub. L. No. 114-95, 129 Stat. 1801) The Act: (1) revises the educational assessment standards the State must meet to receive federal funds for pupils enrolled in the public schools in this State; (2) revises the reporting requirements for the State when requesting such funds; (3) encourages the State to improve and streamline the assessment tools and examinations used to monitor the performance of pupils and schools in the public education system; and (4) authorizes the appropriation of money for federal grants to assist the State with such an audit to encourage the realignment of State assessments with the current federal requirements.

This bill requires the Department of Education to create and carry out a plan for auditing the assessment tools and examinations used to monitor the performance of pupils and schools for kindergarten and grades 1 to 12, inclusive, in the public school system in this State. Section 1 of this bill requires the plan to : (1) include a plan to improve and streamline the assessment tools and examinations used to monitor the performance of pupils and schools in the public school system in this State; and (2) meet the prerequisites necessary for acquiring a grant from the Federal Government as set forth in the Every Student Succeeds Act. Section 1 also requires the board of trustees of each school district and the governing body of each charter school to collect and provide any information requested by the Department which the Department determines is necessary to develop and carry out the plan and the audit.

Section 2 of this bill requires the Department to submit the plan to the United States Secretary of Education to apply for a grant of money pursuant to the provisions of the Every Student Succeeds Act. (20 U.S.C. § 6362) Section 3 of this bill requires the Department ~~[, upon completion of the audit conducted pursuant to]~~ to submit the plan [, to submit] and the results of the

audit to the State Board of Education, ~~and~~ the Legislative Committee on Education, ~~and~~ and the Interim Finance Committee not later than December 1, 2017.

Section 3.5 of this bill makes an appropriation from the State General Fund to the Department of Education to develop and carry out the plan to audit the assessment tools and examinations required by section 1.

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

Section 1. 1. The Department of Education shall develop and carry out a plan to audit the assessment tools and examinations used to monitor the performance of pupils and schools for kindergarten and grades 1 to 12, inclusive, in the public schools system in this State.

2. The plan must ~~comply~~:

(a) Include a plan to improve and streamline the assessment tools and examinations used to monitor the performance of pupils and schools for kindergarten and grades 1 to 12, inclusive, in the public school system in this State in accordance with 20 U.S.C. § 6362(e)(3)(D). Such a plan must be developed using data collected on or after December 10, 2015, and include, without limitation:

(1) An examination of models from other states that are streamlining the assessment tools and examinations used to monitor the performance of pupils based on the requirements set forth in 20 U.S.C. §§ 6361, 6362 and 6363; and

(2) Recommendations for improving or streamlining the assessment tools and examinations used to monitor the performance of pupils based on the audit conducted pursuant to subsection 1 and the examination conducted pursuant to subparagraph (1).

(b) Comply with the requirements set forth in 20 U.S.C. §§ 6361, 6362 and 6363, which make available a grant for carrying out such an audit and other related activities under the Every Student Succeeds Act of 2015, Public Law No. 114-95.

3. The board of trustees of each school district and the governing body of each charter school shall collect and provide any information requested by the Department which it determines is necessary to develop and carry out the plan and the audit.

Sec. 2. Upon completion of the plan developed pursuant to section 1 of this act, the Department of Education shall submit a copy of the plan to the United States Secretary of Education and take such actions as are necessary to apply for a grant of money pursuant to 20 U.S.C. § 6362.

Sec. 3. ~~Upon completion of the audit carried out pursuant to section 1 of this act,~~ Not later than December 1, 2017, the Department of Education shall submit a copy of the plan developed pursuant to section 1 of this act and the results of the audit to:

1. The State Board of Education; ~~and~~

2. The Legislative Committee on Education, created by NRS 218E.605 ~~to~~; and

3. The Interim Finance Committee.

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$100,000 to develop and carry out the plan to audit the assessment tools and examinations required by section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, 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 20, 2019, 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 20, 2019.

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. This act becomes effective upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1067 makes various changes to Senate Bill No. 303 which requires the Department of Education to develop and carry out a plan to audit the assessment tools and examinations used to monitor the performance of pupils and schools. Specifically, this amendment requires the Department to execute a plan to improve and streamline the assessment system; requires the Department's plan to examine the models from other states who are streamlining student assessments; make recommendations for improving and streamlining the measurement of students' assessment based on the examination of the models from other states and use data collected since the enactment of the federal Every Student Succeeds Act; requires the Department to submit a copy of the results of the audit and its plan to improve the assessment system no later than December 1, 2017, to the Interim Finance Committee, and appropriates \$100,000 from the State General Fund to the department to complete the audit and plan.

Amendment adopted.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 303 requires the Department of Education to develop and carry out a plan to audit the assessment tools and examinations used to monitor the performance of pupils and schools. The bill further requires the Department's audit plan to meet the necessary prerequisites for receiving a grant under the federal Every Student Succeeds Act. The bill also requires the Department to execute a plan to improve and streamline the assessment system. The Department's plan must examine the models from other states that are streamlining student assessments, make recommendations for improving and streamlining the measurement of students' assessments based on the examination of the models from other states, and use data collected since the enactment of the federal Every Student Succeeds Act.

Senate Bill No. 303 appropriates \$100,000 from the State General Fund to the Department to complete the audit and plan. The bill requires the Department to submit a copy of the results of the audit and its plan to improve the assessment system no later than December 1, 2017, to the

State Board of Education, the Legislative Committee on Education and the Interim Finance Committee.

Roll call on Senate Bill No. 303:

YEAS—21.

NAYS—None.

Senate Bill No. 303 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 403.

Bill read third time.

The following amendment was proposed by Senator Ford:

Amendment No. 968.

SUMMARY—Revises various provisions relating to governmental administration. (BDR 18-573)

AN ACT relating to governmental administration; authorizing the Legislative Commission to suspend or nullify certain administrative regulations; ~~abolishing the Subcommittee to Review Regulations of the Legislative Commission;~~ revising provisions relating to administrative regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the separation-of-powers provision of the Nevada Constitution, one branch of the State Government may not exercise powers properly belonging to another branch of the State Government "except in the cases expressly directed or permitted in this constitution." (Nev. Const. Art. 3, § 1) As a general rule under the separation-of-powers doctrine, because the question of whether a regulation adopted by an executive agency exceeds its statutory authority or is inconsistent with legislative intent presents a question of statutory interpretation, the power to resolve that question of statutory interpretation and determine whether to invalidate or nullify the regulation is usually regarded as judicial power because "it is emphatically the province and duty of the judicial department to say what the law is." (*Nevadans for Nev. v. Beers*, 122 Nev. 930, 943 n.20 (2006) (quoting *Marbury v. Madison*, 5 U.S. 137, 177-78 (1803)); *Berkson v. LePome*, 126 Nev. 492, 499 (2010) (explaining that "[t]o declare what the law is or has been is judicial power; to declare what the law shall be is legislative." (quoting 1 Thomas M. Cooley, *Constitutional Limitations* 191 (8th ed. 1927)); *Silver State Elec. Supply Co. v. State ex rel. Dep't of Tax'n*, 123 Nev. 80, 84 (2007) ("Appeals involving interpretation of a statute or regulation present questions of law subject to our independent review.")))

For example, in applying the separation-of-powers doctrine to the Federal Government and other state governments, courts have found that the separation-of-powers doctrine ordinarily prohibits legislative committees or other legislative bodies from exercising the power to nullify a regulation adopted by an executive agency on the basis that the regulation exceeds the

statutory authority of the agency or is inconsistent with legislative intent, unless Congress or the state legislature passes a law that expressly nullifies the regulation or revises or repeals the agency's statutory authority. (*I.N.S. v. Chadha*, 462 U.S. 919, 953 n.16 (1983); *State v. A.L.I.V.E. Voluntary*, 606 P.2d 769, 772-79 (Alaska 1980); *Legis. Research Comm'n v. Brown*, 664 S.W.2d 907, 917-20 (Ky. 1984); *Blank v. Dep't of Corr.*, 611 N.W.2d 530, 537-39 (Mich. 2000); *General Assembly of N.J. v. Byrne*, 448 A.2d 438, 443-49 (N.J. 1982); *State ex rel. Barker v. Manchin*, 279 S.E.2d 622, 630-36 (W. Va. 1981))

However, in Nevada, the voters in 1996 approved a constitutional amendment to Nevada's separation-of-powers provision which expressly empowers the Legislature to provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies on the basis that the regulations exceed the statutory authority of the agencies or are inconsistent with legislative intent. The constitutional amendment provides that if the Legislature authorizes the adoption of regulations by executive agencies which bind persons outside the agencies, the Legislature is authorized to enact laws providing for: (1) the review of such regulations by a legislative agency before their effective date to determine whether each such regulation is within the statutory authority for its adoption; (2) the suspension by a legislative agency of any such regulation which appears to exceed the statutory authority for its adoption until the regulation is reviewed by a legislative body composed of members of the Senate and Assembly; and (3) the nullification of any such regulation by a majority vote of a legislative body composed of members of the Senate and Assembly. (Nev. Const. Art. 3, § 1) When the constitutional amendment was presented to the voters, the ballot materials explained that its purpose was to ensure that the Legislative Branch had the specific constitutional power to suspend or nullify regulations adopted by executive agencies which exceed the statutory authority granted by the Legislature when it passed the laws that authorized the agencies to adopt the regulations. (*State of Nevada Ballot Questions 1996*, Question No. 5, at pp. 1-2 (Nev. Sec'y of State 1996))

When the Nevada Constitution expressly grants specific powers to the Legislative Branch, the other branches may not infringe upon the exercise of those powers out of respect for an equal and coordinate branch of government. (*Heller v. Legislature*, 120 Nev. 456, 466-72 (2004); *Comm'n on Ethics v. Hardy*, 125 Nev. 285, 291-94 (2009)) For example, the Nevada Supreme Court has determined that because the Nevada Constitution expressly grants to each legislative House the specific power to "judge" the qualifications, returns and elections of its own members, the constitutional assignment of that power to the Legislative Branch "insulates a legislator's qualifications to hold office from judicial review. In other words, a legislative body's decision to admit or expel a member is almost unreviewable in the courts." (*Heller v. Legislature*, 120 Nev. 456,

466-67 (2004)) Because Nevada's voters expressly granted specific constitutional power to the Legislature to provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies, the other branches may not infringe upon the exercise of that power out of respect for an equal and coordinate branch of government.

In exercising its expressly granted and specific constitutional power regarding regulations, the Legislature has enacted provisions of the Nevada Administrative Procedure Act which set forth the procedures for the adoption of emergency, temporary and permanent regulations by certain executive agencies. (NRS 233B.0395-233B.120) Under existing law, with limited exceptions, the Legislative Commission or the Subcommittee to Review Regulations of the Legislative Commission has the authority to review and to approve or object to certain temporary or permanent regulations before those regulations become effective. (NRS 233B.0633, 233B.067-233B.070)

Section 10 of this bill authorizes the Legislative Commission to suspend or nullify a regulation adopted pursuant to the Nevada Administrative Procedure Act if the regulation: (1) exceeds the statutory authority for its adoption; (2) is inconsistent with the intent of the Legislature in granting the statutory authority for its adoption; or (3) is no longer being administered or interpreted in a manner that is consistent with the agency's stated intention when adopting the regulation or the agency's stated intention during the review and approval of the regulation by the Legislative Commission. Section 10 also establishes procedures that the Legislative Commission must follow before and after it takes action to suspend or nullify a regulation.

Additionally, sections 10 and 12 of this bill preclude judicial review of any action taken or determination made by the Legislative Commission in exercising its powers to review, object to, suspend or nullify a regulation, and sections 10 and 13 of this bill allow the Legislative Commission to determine whether an agency rule, standard, directive or statement constitutes a regulation for the purposes of exercising those powers. Sections 17.5, 26 and 28 of this bill make conforming changes.

~~[ Section 22 of this bill abolishes the Subcommittee to Review Regulations of the Legislative Commission and provides only the Legislative Commission with the powers of reviewing and approving or objecting to certain temporary or permanent regulations before those regulations become effective. Sections 16, 19, 21 24, 27 and 29 of this bill make conforming changes.]~~

Section 11 of this bill directs the Legislative Commission to adopt such regulations as are necessary to carry out the provisions of the Nevada Administrative Procedure Act governing administrative regulations. Section 11 also requires the regulations to establish certain procedural rights and standards for proceedings of the Legislative Commission concerning the suspension or nullification of a regulation, including: (1) procedural rights that provide regulated persons and other interested persons with an

opportunity to comment on whether the regulation should be suspended or nullified; and (2) standards and requirements for making a determination that the immediate suspension or nullification of the regulation is necessary to protect public health or safety.

Existing law excludes the application of certain agency policies as applied to a person with sufficient prior actual notice of the policy from the definition of "regulation" for the purposes of the Nevada Administrative Procedure Act. (NRS 233B.038) Section 13 of this bill removes this exception.

Existing law ratifies the Nevada Administrative Code as revised or supplemented before May 15, 1987. (NRS 233B.0395) Section 14 of this bill ratifies the Code as revised or supplemented before February 6, 2017.

Existing law requires an agency to adopt a proposed regulation not later than 2 years after the proposed regulation is submitted to the Legislative Counsel. (NRS 233B.040) Section 15 of this bill requires an agency to also submit the proposed regulation to the Legislative Commission for review within the same 2-year period.

Existing law requires an agency to hold an oral public hearing on a proposed regulation if an oral hearing is requested by certain persons and the proposed regulation is substantive. (NRS 233B.061) Section 17 of this bill eliminates the requirement regarding the substantiveness of the regulation.

Under existing law, the Legislative Counsel is required to prepare and publish a Register of Administrative Regulations, which includes information relating to adopted permanent regulations. (NRS 233B.0653) Section 20 of this bill eliminates the requirement that the Legislative Counsel publish paper copies of the Register and instead requires the Legislative Counsel to publish the Register electronically on the public website of the Legislature on the Internet.

An emergency regulation becomes effective when certain documents are filed with the Secretary of State. (NRS 233B.070) Section 25 of this bill requires that a copy of the written statement of the emergency endorsed by the Governor is included with the information that must be filed with the Secretary of State before an emergency regulation becomes effective.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.5. 1. The Legislature hereby finds that:

(a) Under the separation-of-powers provision of Section 1 of Article 3 of the Nevada Constitution, one branch of the State Government may not

exercise powers properly belonging to another branch of the State Government except in the cases expressly directed or permitted in the Nevada Constitution.

(b) In 1996, Nevada's voters approved a constitutional amendment to the separation-of-powers provision which expressly empowers the Legislature to provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies on the basis that the regulations exceed the statutory authority of the agencies or are inconsistent with legislative intent.

(c) When the constitutional amendment was presented to the voters, the ballot materials explained that its purpose was to ensure that the Legislative Branch had the specific constitutional power to suspend or nullify regulations adopted by executive agencies which exceed the statutory authority granted by the Legislature when it passed the laws that authorized the agencies to adopt the regulations.

(d) Because Nevada's voters expressly granted specific constitutional power to the Legislature to provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies, the other branches may not infringe upon the exercise of that power out of respect for an equal and coordinate branch of government.

(e) When executive agencies adopt regulations which exceed their statutory authority or are inconsistent with legislative intent, the regulations thwart and undermine the will of the people who, through their elected representatives in the Legislature, determine by properly enacted laws the scope and extent of the authority granted to executive agencies to adopt the regulations.

2. The Legislature hereby declares that there is a legitimate and compelling need to exercise its expressly granted and specific constitutional power under Section 1 of Article 3 of the Nevada Constitution, in the manner set forth in the provisions of this act, in order to:

(a) Provide by law for legislative agencies and legislative bodies composed of members of the Senate and Assembly to suspend or nullify regulations adopted by executive agencies which exceed their statutory authority or are inconsistent with legislative intent; and

(b) Protect and safeguard the rights of the people against such unlawful and invalid regulations.

Sec. 9. Chapter 233B of NRS is hereby amended by adding thereto the provisions set forth as sections 10 and 11 of this act.

Sec. 10. 1. *Upon its own initiative, the Legislative Commission may suspend or nullify a regulation, in whole or in part, adopted pursuant to this chapter if, in the opinion of the Legislative Commission, the regulation:*

*(a) Exceeds the statutory authority for the adoption of the regulation;*

*(b) Is inconsistent with the intent of the Legislature in granting the statutory authority for the adoption of the regulation; or*



*(c) Is no longer being administered or interpreted by the adopting agency in a manner consistent with the stated intent of the agency when adopting the regulation or during the review and approval of the regulation by the Legislative Commission.*

*2. Before holding the initial meeting to consider the suspension or nullification of a regulation, the Legislative Commission shall, at least 30 days before the meeting, provide the adopting agency with written notice of the meeting which informs the agency of:*

- (a) The specific regulation that will be considered at the meeting; and*
- (b) The potential reasons for the suspension or nullification of the regulation. The potential reasons provided in the written notice:*

*(1) Must include sufficient information to allow the agency to prepare for the meeting.*

*(2) Do not preclude the Legislative Commission from considering other reasons at the initial meeting or any subsequent meeting held to consider the suspension or nullification of the regulation.*

*3. At the initial meeting to consider the suspension or nullification of a regulation, the Legislative Commission:*

*(a) Shall provide the adopting agency with an opportunity to comment on whether the regulation should be suspended or nullified.*

*(b) May not take action to suspend or nullify the regulation unless the Legislative Commission makes a specific determination that the immediate suspension or nullification of the regulation is necessary to protect public health or safety. If the Legislative Commission does not make such a specific determination, the Legislative Commission may not take action to suspend or nullify the regulation unless such action is taken at a subsequent meeting held at least 30 days after the date of the initial meeting to consider the suspension or nullification of the regulation.*

*4. If the Legislative Commission takes action to suspend or nullify a regulation pursuant to this section, the Legislative Commission shall, as soon as practicable after taking such action, provide the Secretary of State and the adopting agency with written notice of:*

*(a) The suspension of the regulation and when the suspension becomes effective and when it expires; or*

*(b) The nullification of the regulation and when the nullification becomes effective.*

*5. Any action taken or determination made by the Legislative Commission pursuant to this section, including, without limitation, any action to suspend or nullify a regulation, is final and not subject to judicial review.*

*6. In exercising the powers granted in this section, the Legislative Commission:*

*(a) Has the authority to determine whether an agency rule, standard, directive or statement is a regulation as defined in NRS 233B.038; and*

*(b) After making such a determination, may take action to suspend or nullify the regulation pursuant to this section.*

*7. Any regulation which is nullified by the Legislative Commission pursuant to this section must be removed from the Nevada Administrative Code and from any agency publications and notices.*

*8. As used in this section, "adopting agency" or "agency" means the agency that adopted the regulation or any successor agency that administers the regulation.*

*Sec. 11. 1. The Legislative Commission shall adopt such regulations as are necessary to carry out the provisions of this section and NRS 233B.0395 to 233B.120, inclusive, and section 10 of this act.*

*2. The regulations adopted by the Legislative Commission must establish for proceedings of the Legislative Commission concerning the suspension or nullification of a regulation pursuant to section 10 of this act:*

*(a) Procedural rights that provide persons who are regulated by or otherwise interested in the regulation with an opportunity to comment on whether the regulation should be suspended or nullified.*

*(b) Standards and requirements for making a specific determination that the immediate suspension or nullification of the regulation is necessary to protect public health or safety.*

*Sec. 12. NRS 233B.020 is hereby amended to read as follows:*

*233B.020 1. By this chapter, the Legislature intends to establish ~~{minimum}~~ procedural requirements for :*

*(a) Except as otherwise provided in paragraph (b), the regulation-making and adjudication procedure of all agencies of the Executive Department of the State Government and for judicial review of both functions, except as to those agencies expressly exempted pursuant to the provisions of this chapter.*

*(b) The exercise by the Legislative Commission of the power to review, object to, suspend or nullify a regulation as authorized by Section 1 of Article 3 of the Nevada Constitution and NRS 233B.0395 to 233B.120, inclusive, and sections 10 and 11 of this act, except that the exercise of such a power by the Legislative Commission is final and not subject to judicial review.*

*2. This chapter confers no additional regulation-making authority upon any agency except to the extent provided in subsection 1 of NRS 233B.050.*

*~~{2.}~~ 3. The provisions of this chapter are intended to supplement statutes applicable to specific agencies. This chapter does not abrogate or limit additional requirements imposed on such agencies by statute or otherwise recognized by law.*

*Sec. 13. NRS 233B.038 is hereby amended to read as follows:*

*233B.038 1. "Regulation" means:*

*(a) An agency rule, standard, directive or statement of general applicability which effectuates or interprets law or policy, or describes the organization, procedure or practice requirements of any agency ~~{-}~~ , including, without limitation, an agency rule, standard, directive or*

*statement that the Legislative Commission determines is a regulation pursuant to section 10 of this act;*

- (b) A proposed regulation;
  - (c) The amendment or repeal of a prior regulation; and
  - (d) The general application by an agency of a written policy, interpretation, process or procedure to determine whether a person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest.
2. The term does not include:
- (a) A statement concerning only the internal management of an agency and not affecting private rights or procedures available to the public;
  - (b) A declaratory ruling;
  - (c) An intraagency memorandum;
  - (d) A manual of internal policies and procedures or audit procedures of an agency which is used solely to train or provide guidance to employees of the agency and which is not used as authority in a contested case to determine whether a person is in compliance with a federal or state statute or regulation;
  - (e) An agency decision or finding in a contested case;
  - (f) An advisory opinion issued by an agency that is not of general applicability;
  - (g) A published opinion of the Attorney General;
  - (h) An interpretation of an agency that has statutory authority to issue interpretations;
  - (i) Letters of approval, concurrence or disapproval issued in relation to a permit for a specific project or activity;
  - (j) A contract or agreement into which an agency has entered;
  - (k) The provisions of a federal law, regulation or guideline;
  - (l) An emergency action taken by an agency that is necessary to protect public health and safety;
  - (m) ~~{The application by an agency of a policy, interpretation, process or procedure to a person who has sufficient prior actual notice of the policy, interpretation, process or procedure to determine whether the person is in compliance with a federal or state statute or regulation in order to assess a fine, monetary penalty or monetary interest;~~
  - ~~—(n)}~~ A regulation concerning the use of public roads or facilities which is indicated to the public by means of signs, signals and other traffic-control devices that conform with the manual and specifications for a uniform system of official traffic-control devices adopted pursuant to NRS 484A.430;
  - ~~{(o)}~~ (n) The classification of wildlife or the designation of seasons for hunting, fishing or trapping by regulation of the Board of Wildlife Commissioners pursuant to the provisions of title 45 of NRS; or
  - ~~{(p)}~~ (o) A technical bulletin prepared pursuant to NRS 360.133.
- Sec. 14. NRS 233B.0395 is hereby amended to read as follows:
- 233B.0395 The Nevada Administrative Code as most recently revised or supplemented before ~~{May 15, 1987,}~~ February 6, 2017, and the text of those

regulations which have been prepared by the Legislative Counsel for inclusion in the Nevada Administrative Code on or before ~~[May 15, 1987,]~~ *February 6, 2017*, but have not been included, are hereby ratified.

Sec. 15. NRS 233B.040 is hereby amended to read as follows:

233B.040 1. To the extent authorized by the statutes applicable to it, each agency may adopt reasonable regulations to aid it in carrying out the functions assigned to it by law and shall adopt such regulations as are necessary to the proper execution of those functions. If adopted and filed in accordance with the provisions of this chapter, the following regulations have the force of law and must be enforced by all peace officers:

- (a) The Nevada Administrative Code; and
- (b) Temporary and emergency regulations.

↪ In every instance, the power to adopt regulations to carry out a particular function is limited by the terms of the grant of authority pursuant to which the function was assigned.

2. Every regulation adopted by an agency must include:

(a) A citation of the authority pursuant to which it, or any part of it, was adopted; and

(b) The address of the agency and, to the extent not elsewhere provided in the regulation, a brief explanation of the procedures for obtaining clarification of the regulation or relief from the strict application of any of its terms, if the agency is authorized by a specific statute to grant such relief, or otherwise dealing with the agency in connection with the regulation.

3. An agency may adopt by reference in a regulation material published by another authority in book or pamphlet form if:

(a) It files one copy of the publication with the Secretary of State and one copy with the State Library, Archives and Public Records Administrator, and makes at least one copy available for public inspection with its regulations; and

(b) The reference discloses the source and price for purchase of the publication.

↪ An agency shall not attempt to incorporate any other material in a regulation by reference.

4. An agency shall adopt *and submit* a proposed regulation *to the Legislative Commission for review* not later than 2 years after the date on which the proposed regulation is submitted to the Legislative Counsel pursuant to subsection 1 of NRS 233B.063. If an agency does not adopt *and submit* a proposed regulation *to the Legislative Commission for review* within the time prescribed by this subsection, the executive head of the agency shall appear personally before the Legislative Commission and explain why the proposed regulation has not been adopted ~~[and submitted to the Legislative Commission for review]~~.

Sec. 16. ~~[NRS 233B.060 is hereby amended to read as follows:~~

~~233B.060 1. Except as otherwise provided in subsection 2 and NRS 233B.061, before adopting, amending or repealing:~~

~~—(a) A permanent regulation, the agency must, after receiving the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063, give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.~~

~~—(b) A temporary regulation, the agency must give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.~~

~~—2. Except as otherwise provided in subsection 3, if an agency has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt, after providing a second notice and the opportunity for a hearing, a permanent regulation, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission . [or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.]~~

~~—3. If the Public Utilities Commission of Nevada has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt a substantively equivalent permanent regulation without further notice or hearing, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission . [or the Subcommittee to Review Regulations.]] (Deleted by amendment.)~~

Sec. 17. NRS 233B.061 is hereby amended to read as follows:

233B.061 1. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing.

2. Before holding the public hearing required pursuant to subsection 3, an agency shall conduct at least one workshop to solicit comments from interested persons on one or more general topics to be addressed in a proposed regulation. Not less than 15 days before the workshop, the agency shall provide notice of the time and place set for the workshop:

(a) In writing to each person who has requested to be placed on a mailing list; and

(b) In any other manner reasonably calculated to provide such notice to the general public and any business that may be affected by a proposed regulation which addresses the general topics to be considered at the workshop.

3. ~~[With respect to substantive regulations, the]~~ The agency shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposed regulation and requests an oral hearing, the agency may proceed immediately to act upon any written submissions. The agency shall consider fully all written and oral submissions respecting the proposed regulation.

4. An agency shall not hold the public hearing required pursuant to subsection 3 on the same day that the agency holds the workshop required pursuant to subsection 2.

5. Each workshop and public hearing required pursuant to subsections 2 and 3 must be conducted in accordance with the provisions of chapter 241 of NRS.

Sec. 17.5. NRS 233B.0613 is hereby amended to read as follows:

233B.0613 1. If an agency determines that an emergency exists ~~it~~ *and wants to adopt an emergency regulation*, it shall submit to the Governor *the original copy of the proposed emergency regulation with* a written statement of the emergency which sets forth the reasons for ~~the~~ *its* determination ~~that an emergency exists~~.

2. *Except as otherwise provided in this section, if* the Governor endorses the statement of the emergency by written endorsement at the end of the full text of the statement of *the* emergency on the original copy of ~~the~~ *the* proposed *emergency* regulation, the *emergency* regulation may be adopted and become effective immediately upon its being filed in the Office of the Secretary of State pursuant to subsection 3 of NRS 233B.070. The statement of the emergency endorsed by the Governor must be included as a part of the *emergency* regulation for all purposes.

~~2.~~ 3. If practicable, the agency shall, not later than 9 a.m. on the first working day before the date on which the emergency regulation is filed in the Office of the Secretary of State pursuant to subsection 3 of NRS 233B.070, make the emergency regulation available to the public by:

(a) Providing a copy of the emergency regulation to a member of the public upon request; and

(b) Making a copy of the emergency regulation available on its website on the Internet, if any.

~~3.~~ 4. If practicable, the agency shall, not later than 9 a.m. on the first working day before the date of any hearing at which the agency considers the emergency regulation, make the version of the proposed emergency regulation that will be considered at the hearing available to the public by:

(a) Providing a copy of the proposed emergency regulation to a member of the public upon request; and

(b) Making a copy of the proposed emergency regulation available on its website on the Internet, if any.

~~4.—A~~

5. *An emergency regulation adopted pursuant to this section may not be* ~~effective~~ :

(a) *Effective* for a period ~~of not~~ longer than 120 days . ~~A regulation may be adopted~~

(b) *Adopted* by this emergency procedure ~~only once~~ ~~—5.— more than once.~~

(c) *Substantially identical, in whole or in part, to a regulation suspended or nullified by the Legislative Commission pursuant to Section 1 of Article 3*

of the Nevada Constitution and NRS 233B.0395 to 233B.120, inclusive, and sections 10 and 11 of this act.

6. If an agency adopts, after providing notice and the opportunity for a hearing as required in this chapter, a permanent or temporary regulation which becomes effective and is substantially identical to its effective emergency regulation, the emergency regulation expires automatically on the effective date of the temporary or permanent regulation.

Sec. 18. NRS 233B.0617 is hereby amended to read as follows:

233B.0617 No regulation adopted after July 1, 1965, is valid unless adopted in substantial compliance with this chapter but no objection to any regulation on the ground of noncompliance with the procedural requirements of NRS 233B.060 to 233B.0617, inclusive, may be made more than 2 years after its effective date. *Nothing in this section shall be construed to preclude the making of an objection to a regulation on a ground other than noncompliance with the procedural requirements of NRS 233B.060 to 233B.0617, inclusive.* Regulations in effect on July 1, 1965, continue in effect until amended, *suspended, nullified* or repealed in accordance with the provisions of this chapter, if an original and two copies were deposited with the Secretary of State on or before July 1, 1965.

Sec. 19. ~~NRS 233B.0633 is hereby amended to read as follows:~~

~~233B.0633 1. Upon the request of a Legislator, the Legislative Commission may examine a temporary regulation adopted by an agency that is not yet effective pursuant to subsection 2 of NRS 233B.070 to determine whether the temporary regulation conforms to the statutory authority pursuant to which it was adopted and whether the temporary regulation carries out the intent of the Legislature in granting that authority.~~

~~2. If a temporary regulation that the Legislative Commission is requested to examine pursuant to subsection 1 was required to be adopted by the agency pursuant to a federal statute or regulation and the temporary regulation exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this State, the agency shall submit a statement to the Legislative Commission that adoption of the temporary regulation was required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.~~

~~3. [Except as otherwise provided in subsection 4, the] The Legislative Commission shall [:~~

~~(a) Review] review the temporary regulation at its next regularly scheduled meeting if the request for examination of the temporary regulation is received more than 10 working days before the meeting. [; or~~

~~(b) Refer the temporary regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.~~

~~4. If an agency determines that an emergency exists which requires a temporary regulation of the agency for which a Legislator requested an examination pursuant to subsection 1 to become effective before the next~~

~~meeting of the Legislative Commission is scheduled to be held, the agency may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the temporary regulation for review by the Subcommittee to Review Regulations as soon as practicable.~~

~~5.] 4. If the Legislative Commission [, or the Subcommittee to Review Regulations if the temporary regulation was referred,] approves the temporary regulation, the Legislative Counsel shall notify the agency that the agency may file the temporary regulation with the Secretary of State. If the Commission [or the Subcommittee] objects to the temporary regulation after determining that:~~

~~— (a) If subsection 2 is applicable, the temporary regulation is not required pursuant to a federal statute or regulation;~~

~~— (b) The temporary regulation does not conform to statutory authority; or~~

~~— (c) The temporary regulation does not carry out legislative intent;~~

~~the Legislative Counsel shall attach to the temporary regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the temporary regulation to the agency.~~

~~[6.] 5. If the Legislative Commission [or the Subcommittee to Review Regulations] has objected to a temporary regulation, the agency that adopted the temporary regulation shall revise the temporary regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel within 60 days after the agency received the written notice of the objection to the temporary regulation pursuant to subsection [5.]~~

~~4. Upon receipt of the revised temporary regulation, the Legislative Counsel shall resubmit the temporary regulation to the Legislative Commission . [or the Subcommittee for review.] If the Legislative Commission [or the Subcommittee] approves the revised temporary regulation, the Legislative Counsel shall notify the agency that the agency may file the revised temporary regulation with the Secretary of State.~~

~~[7.] 6. If the Legislative Commission [or the Subcommittee to Review Regulations] objects to the revised temporary regulation, the Legislative Counsel shall attach to the revised temporary regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the revised temporary regulation to the agency. The agency shall continue to revise it and resubmit it to the Legislative Commission [or the Subcommittee] within 30 days after the agency received the written notice of the objection to the revised temporary regulation.] (Deleted by amendment.)~~

Sec. 20. NRS 233B.0653 is hereby amended to read as follows:

233B.0653 1. The Legislative Counsel shall *periodically* prepare and publish ~~for cause to be prepared and published~~ *electronically* a Register of Administrative Regulations ~~[ ] on the public website of the Legislature on the~~



*Internet.* The Register must include the following information regarding each permanent regulation adopted by an agency:

- (a) The proposed and adopted text of the regulation and any revised version of the regulation;
- (b) The notice of intent to act upon the regulation set forth in NRS 233B.0603;
- (c) The written notice of adoption of the regulation required pursuant to NRS 233B.064;
- (d) The informational statement required pursuant to NRS 233B.066; and
- (e) The effective date of the regulation, as determined pursuant to NRS 233B.070.

~~{→ In carrying out the duties set forth in this subsection, the Legislative Counsel may use the services of the State Printing Office.~~

~~2. The Legislative Counsel shall publish the Register not less than 10 times per year but not more than once every 2 weeks.~~

~~3. The Register must be provided to and maintained by:~~

- ~~(a) The Secretary of State;~~
- ~~(b) The Attorney General;~~
- ~~(c) The Supreme Court Law Library;~~
- ~~(d) The State Library, Archives and Public Records;~~
- ~~(e) Each county clerk;~~
- ~~(f) Each county library; and~~
- ~~(g) The Legislative Counsel Bureau.~~

~~4. The Legislative Counsel may sell an additional copy of the Register to any person or governmental entity that requests a copy, at a price which does not exceed the cost of publishing the additional copy.~~

~~5.] 2. The Legislative Counsel is immune from civil liability which may result from failure to include any information in the Register.~~

Sec. 21. ~~[NRS 233B.0665 is hereby amended to read as follows:~~

~~233B.0665 If a regulation submitted to the Legislative Counsel Bureau pursuant to NRS 233B.067 is not accompanied by an informational statement which complies with the requirements of NRS 233B.066 or a small business impact statement which complies with the requirements of NRS 233B.0608 and 233B.0609, the Legislative Counsel shall return the regulation to the agency with a note indicating the statement which is missing. Unless the missing statement is supplied, the Legislative Counsel shall not submit the regulation to the Legislative Commission [or the Subcommittee to Review Regulations, as applicable,] and the regulation never becomes effective.]~~  
~~(Deleted by amendment.)~~

Sec. 22. ~~[NRS 233B.067 is hereby amended to read as follows:~~

~~233B.067 1. After adopting a permanent regulation, the agency shall submit the informational statement prepared pursuant to NRS 233B.066 and one copy of each regulation adopted to the Legislative Counsel for review by the Legislative Commission to determine whether to approve the regulation. The Legislative Counsel shall endorse on the original and the copy of each~~

~~adopted regulation the date of their receipt. The Legislative Counsel shall maintain the copy of the regulation in a file and make the copy available for public inspection for 2 years.~~

~~2. If an agency submits an adopted regulation to the Legislative Counsel pursuant to subsection 1 that:~~

~~—(a) The agency is required to adopt pursuant to a federal statute or regulation; and~~

~~—(b) Exceeds the specific statutory authority of the agency or sets forth requirements that are more stringent than a statute of this State;~~

~~→ it shall include a statement that adoption of the regulation is required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.~~

~~3. [Except as otherwise provided in subsection 4, the] The Legislative Commission shall [:~~

~~—(a) Review] review the regulation at its next regularly scheduled meeting if the regulation is received more than 10 working days before the meeting. [; or~~

~~—(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6.~~

~~4. If an agency determines that an emergency exists which requires a regulation of the agency submitted pursuant to subsection 1 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the agency may notify the Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the regulation for review by the Subcommittee to Review Regulations. The Subcommittee shall meet to review the regulation as soon as practicable.~~

~~5.] 4. If the Legislative Commission [; or the Subcommittee to Review Regulations if the regulation was referred,] approves the regulation, the Legislative Counsel shall promptly file the regulation with the Secretary of State and notify the agency of the filing. If the Commission [or Subcommittee] objects to the regulation after determining that:~~

~~—(a) If subsection 2 is applicable, the regulation is not required pursuant to a federal statute or regulation;~~

~~—(b) The regulation does not conform to statutory authority;~~

~~—(c) The regulation does not carry out legislative intent;~~

~~—(d) The small business impact statement is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses; or~~

~~—(e) The agency has not provided a satisfactory explanation of the need for the regulation in its informational statement as required pursuant to NRS 233B.066, or the informational statement is insufficient or incomplete,~~

~~→ the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the agency.~~

~~[6. As soon as practicable after each regular legislative session, the Legislative Commission shall appoint a Subcommittee to Review Regulations consisting of at least three members or alternate members of the Legislative Commission.]] (Deleted by amendment.)~~

Sec. 23. ~~[NRS 233B.0675 is hereby amended to read as follows:~~

~~233B.0675 1. If the Legislative Commission [, or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067,] has objected to a regulation, the agency shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel within 60 days after the agency received the written notice of the objection to the regulation pursuant to NRS 233B.067. Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Commission [or Subcommittee] for review. If the Commission [or Subcommittee] approves the revised regulation, the Legislative Counsel shall promptly file the revised regulation with the Secretary of State and notify the agency of the filing.~~

~~2. If the Legislative Commission [or Subcommittee] objects to the revised regulation, the Legislative Counsel shall attach to the revised regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the revised regulation to the agency. The agency shall continue to revise it and resubmit it to the Commission [or Subcommittee] within 30 days after the agency received the written notice of the objection to the revised regulation.] (Deleted by amendment.)~~

Sec. 24. ~~[NRS 233B.0677 is hereby amended to read as follows:~~

~~233B.0677 1. Before holding a meeting to review temporary regulations pursuant to NRS 233B.0633 or adopted regulations pursuant to NRS 233B.067 or 233B.0675, the Legislative Commission [or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067, as applicable,] shall provide written notice of the meeting at least 3 working days before the meeting. The notice must include, without limitation:~~

~~(a) A list of the regulations that the Legislative Commission [or the Subcommittee to Review Regulations] will review at the meeting; and~~

~~(b) An explanation of the manner in which a person may obtain a copy of a regulation that the Legislative Commission [or Subcommittee to Review Regulations] will review at the meeting.~~

~~2. If the Legislative Counsel Bureau maintains a website on the Internet or its successor, the Legislative Counsel Bureau shall, at least 3 working days before the Legislative Commission [or the Subcommittee to Review Regulations] holds a meeting to review temporary regulations pursuant to NRS 233B.0633 or adopted regulations pursuant to NRS 233B.067 or 233B.0675, post on its website a list of the regulations that the Legislative Commission [or the Subcommittee to Review Regulations] will review at the~~

~~meeting, unless the Legislative Counsel Bureau is unable to do so because of technical problems relating to the operation or maintenance of its website.]~~  
(Deleted by amendment.)

Sec. 25. NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 293.247 or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066 ~~and a copy of the written statement of the emergency endorsed by the Governor pursuant to NRS 233B.0613~~. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066 ~~and a copy of the written statement of the emergency endorsed by the Governor pursuant to NRS 233B.0613~~.

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library, Archives and Public Records Administrator, to the State Library, Archives and Public Records Administrator for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the Legislative Committee on Health Care within 10 days after the regulation is filed with the Secretary of State.

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

Sec. 26. NRS 233B.100 is hereby amended to read as follows:

233B.100 1. Any interested person may petition an agency requesting the adoption, filing, amendment or repeal of any regulation and shall accompany the petition with relevant data, views and arguments. Each agency shall prescribe by regulation the form for such petitions and the procedure for their submission, consideration and disposition. Upon submission of such a petition, the agency shall within 30 days either deny the petition in writing, stating its reasons, or initiate regulation-making proceedings.

2. Any regulation of any agency is subject to ~~amendment~~ :

(a) *Amendment* or suspension by the Governor pursuant to the provisions of NRS 416.060.

(b) *Suspension or nullification by the Legislative Commission pursuant to Section 1 of Article 3 of the Nevada Constitution and NRS 233B.0395 to 233B.120, inclusive, and sections 10 and 11 of this act.*

Sec. 27. ~~NRS 233B.105 is hereby amended to read as follows:~~

~~233B.105 1. A small business that is aggrieved by a regulation adopted by an agency on or after January 1, 2000, may object to all or a part of the regulation by filing a petition with the agency that adopted the regulation within 90 days after the date on which the regulation was adopted. An agency which receives such a petition shall transmit a copy of the petition to the Legislative Counsel for submission to the Legislative Commission. [or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.]~~

~~2. A petition filed pursuant to subsection 1 may be based on the following grounds:~~

~~(a) The agency failed to prepare a small business impact statement as required pursuant to NRS 233B.0608 and 233B.0609; or~~

~~(b) The small business impact statement prepared by the agency pursuant to NRS 233B.0608 and 233B.0609 is inaccurate, incomplete or did not adequately consider or significantly underestimated the economic effect of the regulation on small businesses.~~

~~3. After receiving a petition pursuant to subsection 1, an agency shall determine whether the petition has merit. If the agency determines that the~~

~~petition has merit, the agency may, pursuant to this chapter, take action to amend the regulation to which the small business objected.] (Deleted by amendment.)~~

Sec. 28. NRS 233B.110 is hereby amended to read as follows:

233B.110 1. The validity or applicability of any regulation may be determined in a proceeding for a declaratory judgment in the district court in and for Carson City, or in and for the county where the plaintiff resides, when it is alleged that the regulation, or its proposed application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. A declaratory judgment may be rendered after the plaintiff has first requested the agency to pass upon the validity of the regulation in question. The court shall declare the regulation invalid if it finds that it violates constitutional or statutory provisions or exceeds the statutory authority of the agency. The agency whose regulation is made the subject of the declaratory action shall be made a party to the action.

2. An agency may institute an action for declaratory judgment to establish the validity of any one or more of its own regulations.

3. Actions for declaratory judgment provided for in subsections 1 and 2 shall be in accordance with the Uniform Declaratory Judgments Act (chapter 30 of NRS), and the Nevada Rules of Civil Procedure. In all actions under subsections 1 and 2, the plaintiff shall serve a copy of the complaint upon the Attorney General, who is also entitled to be heard.

4. *Nothing in this section shall be construed to limit the authority of the Legislative Commission to suspend or nullify a regulation pursuant to Section 1 of Article 3 of the Nevada Constitution and NRS 233B.0395 to 233B.120, inclusive, and sections 10 and 11 of this act.*

Sec. 29. ~~NRS 514A.110 is hereby amended to read as follows:~~

~~514A.110 A permanent regulation adopted by the:~~

~~1. Nevada Tax Commission, pursuant to NRS 360.090, concerning any taxation related to the extraction of any mineral in this State, including, without limitation, the taxation of the net proceeds pursuant to chapter 362 of NRS and Section 5 of Article 10 of the Nevada Constitution;~~

~~2. Administrator of the Division of Industrial Relations of the Department of Business and Industry for mine health and safety pursuant to NRS 512.131;~~

~~3. Commission on Mineral Resources pursuant to NRS 513.063, 513.094 or 519A.290; and~~

~~4. State Environmental Commission pursuant to NRS 519A.160,~~

~~is not effective unless it is reviewed by the Mining Oversight and Accountability Commission before it is approved pursuant to chapter 233B of NRS by the Legislative Commission. [or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.] After conducting its review of the regulation, the Mining Oversight and Accountability Commission shall provide a report of its findings and recommendations regarding the regulation to the Legislative Counsel for~~

~~submission to the Legislative Commission . [or the Subcommittee to Review Regulations, as appropriate.]] (Deleted by amendment.)~~

Sec. 29.5. ~~[Section 1 of Senate Bill No. 160 of this session is hereby amended to read as follows:~~

~~—Section 1. NRS 233B.060 is hereby amended to read as follows:~~

~~233B.060 1. Except as otherwise provided in subsection 2 and NRS 233B.061, before adopting, amending or repealing:~~

~~—(a) A permanent regulation, the agency must, after receiving the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063:~~

~~—(1) If it is the first hearing on the regulation, give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute. When posted, the agency must include notice that the regulation that is posted on the Internet website of the agency 3 working days before the hearing will be the regulation considered. The agency shall ensure that the regulation to be considered at the hearing is posted on the Internet website of the agency 3 working days before the hearing.~~

~~—(2) If it is the second or subsequent hearing on the regulation, including, without limitation, a subsequent hearing on an adopted regulation that has not been approved by the Legislative Commission [or the Subcommittee to Review Regulations] pursuant to NRS 233B.067, in order to approve a revision to the regulation, give at least 3 working days' notice of its intended action.~~

~~—(b) A temporary regulation, the agency must give at least 30 days' notice of its intended action, unless a shorter period of notice is specifically permitted by statute.~~

~~—2. Except as otherwise provided in subsection 3, if an agency has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt, after providing a second notice and the opportunity for a hearing, a permanent regulation, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission . [or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.]~~

~~—3. If the Public Utilities Commission of Nevada has adopted a temporary regulation after notice and the opportunity for a hearing as provided in this chapter, it may adopt a substantively equivalent permanent regulation without further notice or hearing, but the language of the permanent regulation must first be approved or revised by the Legislative Counsel and the adopted regulation must be approved by the Legislative Commission . [or the Subcommittee to Review Regulations.]] (Deleted by amendment.)~~

Sec. 30. This act becomes effective on July 1, 2017.

Senator Ford moved the adoption of the amendment.

Remarks by Senator Ford.

This amendment to Assembly Bill No. 403 restores the subcommittee to review regulations of the Legislative Commission to the Legislative Commission. The bill sought to remove it.

Amendment adopted.

Bill read third time.

Remarks by Senators Atkinson and Settelmeyer.

SENATOR ATKINSON:

Assembly Bill No. 403 authorizes the Legislative Commission to suspend or nullify in whole or in part a regulation of a State agency under certain circumstances and sets forth agency notification requirements prior to such suspension or nullification. Judicial review of such actions is precluded.

Under the bill, a State agency must submit its proposed regulation to the Legislative Commission for review within a specified period. The measure provides an opportunity for the agency to comment on whether the regulation should be nullified or suspended and sets limits on the time frame by which a regulation may be suspended or nullified, with exceptions provided for those regulations necessary to protect public health and safety.

The Legislative Commission shall adopt regulations as necessary to carry out the provisions of the Nevada Administrative Procedure Act. These regulations must also establish the proceedings of the Commission relating to the suspension and nullification of regulations and provide procedural rights for those impacted by a regulation under consideration by the Commission.

With regard to emergency regulations, a copy of a written statement of emergency, endorsed by the Governor, must be filed with the Secretary of State before an emergency regulation becomes effective. The measure specifies that an adopted emergency regulation may not be substantially identical to a regulation suspended or nullified by the Commission. Finally, Assembly Bill No. 403 specifies that the Legislative Counsel is no longer required to publish a paper copy of the *Register of Administrative Regulations*.

SENATOR SETTELMAYER:

I rise in opposition to Assembly Bill No. 403. The concept of allowing the Legislative Commission, which is now partisan to say the least, to retroactively nullify *Nevada Administrative Code* with no judicial review is something I cannot support. Can you imagine what would happen if we gave the Governor the ability to retroactively nullify *Nevada Revised Statutes*? Then again, maybe, that is a good idea.

Roll call on Assembly Bill No. 403:

YEAS—12.

NAYS—Gansert, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Roberson, Settelmeyer—9.

Assembly Bill No. 403 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

#### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Finance, to which was referred Senate Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, our Committee on Finance, to which were re-referred Senate Bills Nos. 187, 192, 200, 451, 467, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*



*Mr. President:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 23, 122, 514, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 155 be taken from the Second Reading File and re-referred to the Committee on Finance.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Concurrent Resolution No. 11—Urging the Legislative Commission to take certain actions to provide additional services in the Legislative Building for persons who are blind, deaf, hard of hearing or speech impaired.

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

Motion carried.

Senator Ford moved that the Senate recess until 6:15 p.m.

Motion carried.

Senate in recess at 5:37 p.m.

SENATE IN SESSION

At 6:58 p.m.

President Hutchison presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 23.

Bill read second time and ordered to third reading.

Assembly Bill No. 29.

Bill read second time.

The following amendment was proposed by Senator Farley:

Amendment No. 951.

SUMMARY—Revises provisions governing off-highway vehicles.  
(BDR 18-220)

AN ACT relating to off-highway vehicles; creating the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources; placing the Commission on Off-Highway Vehicles within the Department; revising provisions regarding the membership and duties of the Commission; reducing the late fee imposed for failure to register an off-highway vehicle; revising provisions authorizing the operation of an off-highway vehicle on certain roads in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Off-Highway Vehicles and authorizes the Commission to award grants of money from the Account for Off-Highway Vehicles to certain applicants for projects relating to off-highway vehicle use and off-highway trails and facilities. (NRS 490.067, 490.068, 490.069) Sections 4 and 6 of this bill place the Commission within the State Department of Conservation and Natural Resources.

Section 1 of this bill creates the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources. In administering the Program, the Director of the Department, within the limits of approved funding, is required to: (1) provide certain support and assistance to the Commission on Off-Highway Vehicles; and (2) administer the Account for Off-Highway Vehicles. Section 1 further requires the Director to include in his or her budget the money necessary, within the limits of legislative appropriations for the Account, for: (1) certain expenses of the Program and the Commission; and (2) a reserve amount.

Under existing law, each member of the Commission on Off-Highway Vehicles is entitled to receive, if money is available for that purpose, the per diem allowance and travel expenses provided for state officers and employees generally. (NRS 490.067) Section 6 provides that, if money is available for that purpose, any member of the Commission who is not an officer or employee of the State is entitled to receive a salary of not more than \$80 per day for each day of attendance at a meeting of the Commission. Section 6 further provides a procedure for replacing a member of the Commission who fails to attend at least three consecutive meetings.

Under existing law, the Commission on Off-Highway Vehicles is required to solicit nine nonvoting advisors to the Commission from various state and federal agencies. (NRS 490.068) Section 7 of this bill removes that requirement, and section 6 also: (1) revises the membership of the Commission; and (2) adds to the Commission four nonvoting, ex officio members. Section 7 also sets forth requirements for establishing a quorum of the Commission for transacting business. Finally, sections 1 and 7 revise provisions requiring a comprehensive report that must be submitted to the Legislature, providing that the report must be prepared by the Director of the State Department of Conservation and Natural Resources, then reviewed and approved by the Chair of the Commission before being submitted to each regular session of the Legislature.

Under existing law, fees paid for titling and registration of an off-highway vehicle are deposited into the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. (NRS 490.084) The Department of Motor Vehicles is required to transfer, at least once each fiscal quarter, any amount in excess of \$150,000 in that Account into the Account for Off-Highway Vehicles. (NRS 490.085) The Commission on Off-Highway Vehicles is required to administer the money in the Account for Off-Highway Vehicles. (NRS 490.069) Section 8 of this bill requires the

Director of the State Department of Conservation and Natural Resources to administer the Account. Section 8 also requires a portion of the money in the Account be used to maintain a reserve amount.

Under existing law, if the owner of an off-highway vehicle that is registered in this State fails to renew the registration before it expires, the registration may be reinstated upon payment of the annual renewal fee, a late fee of \$25 and, if applicable, the submission of proof of insurance, which is only required for certain larger all-terrain vehicles that are authorized to operate on certain county roads. (NRS 490.082, 490.0825, 490.105) Section 9 of this bill reduces the late fee to \$10.

Under existing law, with certain exceptions, a person may not operate an off-highway vehicle on a highway in this State unless a governmental entity has designated the highway for use by off-highway vehicles. Such a designation is prohibited on any portion of an interstate highway. (NRS 490.090, 490.100, 490.110) A person operating an off-highway vehicle on such a highway must possess a driver's license, wear a helmet, obey all traffic laws, have certain lights and reflectors on the off-highway vehicle, have registered the off-highway vehicle and may not travel farther than 2 miles on the highway. (NRS 490.110, 490.120, 490.130) Certain larger off-highway vehicles may operate on certain general or minor county roads if the off-highway vehicle is insured in an amount that meets the requirements for a motor vehicle. (NRS 490.0825, 490.105)

Section 9.1 of this bill provides that a person may operate an off-highway vehicle on any highway, area of public land, trail, way or unpaved road of this State unless it has been designated by a city, county or other governmental entity as prohibited for the use of an off-highway vehicle. Section 9.2 of this bill authorizes a city, county or other governmental entity to designate any portion of a highway over which it has jurisdiction as prohibited for the operation of an off-highway vehicle. Such a city, county or other governmental entity may: (1) authorize by ordinance a person who is less than 16 years of age to operate an off-highway vehicle on certain highways if the person is under the direct visual supervision of an adult; (2) prepare and distribute maps of highways designated as prohibited for the use of off-highway vehicles; and (3) erect and maintain signs designating such highways. Section 9.3 of this bill removes the provision limiting travel by an off-highway vehicle on a highway to not more than 2 miles. Section 9.4 of this bill provides that a headlamp and tail lamp are not required to operate an off-highway vehicle on a highway during daylight hours.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The Off-Highway Vehicles Program is hereby created in the Department. The Director shall administer the Program. The Commission on Off-Highway Vehicles created by NRS 490.067 shall provide direction to the*

*Program pursuant to its authority and duties provided in NRS 490.068 and 490.069.*

*2. In administering the Program, the Director shall, within the limits of authorized expenditures:*

*(a) Administer the Account for Off-Highway Vehicles created by NRS 490.069; and*

*(b) Provide staff to the Commission on Off-Highway Vehicles for the purposes of:*

*(1) Providing assistance, support and technical advice to the Commission; and*

*(2) Assisting in the coordination of the activities and duties of the Commission.*

*3. The Director may form a technical advisory committee as needed to provide input to the Commission on Off-Highway Vehicles regarding the completeness and merit of applications received by the Commission for a grant from the Account for Off-Highway Vehicles.*

*4. The Director shall prepare, for each regular session of the Legislature, a comprehensive report that includes, without limitation:*

*(a) The general activities of the Commission on Off-Highway Vehicles;*

*(b) The fiscal activities of the Commission on Off-Highway Vehicles; and*

*(c) A summary of any grants awarded by the Commission on Off-Highway Vehicles.*

*➡ Upon completion of the report, the Director shall submit the report to the Chair of the Commission on Off-Highway Vehicles for review pursuant to NRS 490.068.*

*5. The Director shall include in his or her budget the money necessary, within the limits of legislative authorizations for the Account for Off-Highway Vehicles, for:*

*(a) The operating expenses of the Commission on Off-Highway Vehicles;*

*(b) The administrative expenses of the Program to carry out the provisions of this section; and*

*(c) A reserve amount as approved by the Legislature.*

*6. The Director may adopt regulations for the operation of the Commission on Off-Highway Vehicles and the Program.*

*7. As used in this section:*

*(a) "Administrative expenses" includes, without limitation, hiring any staff necessary to carry out the provisions of this section.*

*(b) "Operating expenses" includes, without limitation, any costs of contracting with a third party to provide education and information to the members of the public relating to the provisions of chapter 490 of NRS governing the lawful use and registration of off-highway vehicles.*

*Sec. 2. NRS 232.010 is hereby amended to read as follows:*

*232.010 As used in NRS 232.010 to 232.162, inclusive ~~[-]~~, and section 1 of this act:*

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 3. NRS 232.070 is hereby amended to read as follows:

232.070 1. As executive head of the Department, the Director is responsible for the administration, through the divisions and other units of the Department, of all provisions of law relating to the functions of the Department, except functions assigned by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, *the Commission on Off-Highway Vehicles* or the Sagebrush Ecosystem Council.

2. Except as otherwise provided in subsection 4, the Director shall:

- (a) Establish departmental goals, objectives and priorities.
- (b) Approve divisional goals, objectives and priorities.
- (c) Approve divisional and departmental budgets, legislative proposals, contracts, agreements and applications for federal assistance.
- (d) Coordinate divisional programs within the Department and coordinate departmental and divisional programs with other departments and with other levels of government.
- (e) Appoint the executive head of each division within the Department.
- (f) Delegate to the executive heads of the divisions such authorities and responsibilities as the Director deems necessary for the efficient conduct of the business of the Department.
- (g) Establish new administrative units or programs which may be necessary for the efficient operation of the Department, and alter departmental organization and reassign responsibilities as the Director deems appropriate.
- (h) From time to time adopt, amend and rescind such regulations as the Director deems necessary for the administration of the Department.
- (i) Consider input from members of the public, industries and representatives of organizations, associations, groups or other entities concerned with matters of conservation and natural resources on the following:

(1) Matters relating to the establishment and maintenance of an adequate policy of forest and watershed protection;

(2) Matters relating to the park and recreational policy of the State;

(3) The use of land within this State which is under the jurisdiction of the Federal Government;

(4) The effect of state and federal agencies' programs and regulations on the users of land under the jurisdiction of the Federal Government, and on the problems of those users of land; and

(5) The preservation, protection and use of this State's natural resources.

3. Except as otherwise provided in subsection 4, the Director may enter into cooperative agreements with any federal or state agency or political

subdivision of the State, any public or private institution located in or outside the State of Nevada, or any other person, in connection with studies and investigations pertaining to any activities of the Department.

4. This section does not confer upon the Director any powers or duties which are delegated by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, *the Commission on Off-Highway Vehicles* or the Sagebrush Ecosystem Council, but the Director may foster cooperative agreements and coordinate programs and activities involving the powers and duties of the Commissions and the Council.

5. Except as otherwise provided in NRS 232.159 and 232.161, all gifts of money and other property which the Director is authorized to accept must be accounted for in the Department of Conservation and Natural Resources Gift Fund which is hereby created as a trust fund.

Sec. 4. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

- (a) The Division of Water Resources.
- (b) The Division of State Lands.
- (c) The Division of Forestry.
- (d) The Division of State Parks.
- (e) The Division of Environmental Protection.
- (f) The Office of Historic Preservation.
- (g) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, *the Commission on Off-Highway Vehicles*, the Conservation Districts Program, the Nevada Natural Heritage Program, the Sagebrush Ecosystem Council and the Board to Review Claims are within the Department.

Sec. 5. NRS 490.066 is hereby amended to read as follows:

490.066 ~~{The}~~ *Except as otherwise provided in NRS 490.068 and section 1 of this act, the* Director may adopt and enforce such administrative regulations as are necessary to carry out the provisions of this chapter.

Sec. 6. NRS 490.067 is hereby amended to read as follows:

490.067 1. The Commission on Off-Highway Vehicles is hereby created ~~{-}~~ *in the State Department of Conservation and Natural Resources.*

2. The Commission consists of: ~~{11 members as follows:}~~

- (a) One member who is an authorized dealer, appointed by the Governor;
- (b) One member who is a sportsman, appointed by the Governor from a list of persons submitted by the Director of the Department of Wildlife;
- (c) One member who is a rancher, appointed by the Governor from a list of persons submitted by the Director of the State Department of Agriculture;
- (d) One member who is a representative of the Nevada Association of Counties, appointed by the Governor from a list of persons submitted by the Executive Director of the Association;

(e) One member who is a representative of law enforcement, appointed by the Governor from a list of persons submitted by the Nevada Sheriffs' and Chiefs' Association;

(f) One member ~~{;}~~ *who is actively engaged in and possesses experience and expertise in advocating for issues relating to conservation*, appointed by the Governor ~~{from a list of persons submitted by the Director of the State Department of Conservation and Natural Resources, who:~~

~~— (1) Possesses a degree in soil science, rangeland ecosystems science or a related field;~~

~~— (2) Has at least 5 years of experience working in one of the fields described in subparagraph (1); and~~

~~— (3) Is knowledgeable about the ecosystems of the Great Basin Region of central Nevada or the Mojave Desert;~~

~~— (g) One member, appointed by the Governor, who is a representative of an organization that represents persons who use off-highway vehicles to access areas to participate in recreational activities that do not primarily involve off-highway vehicles; and~~

~~— (h) Four~~; and

(g) Three members, appointed by the Governor, who reside in the State of Nevada and have participated in recreational activities for off-highway vehicles for at least 5 years using the type of off-highway vehicle owned or operated by the persons they will represent, as follows:

(1) One member who represents persons who own or operate all-terrain vehicles;

(2) One member who represents persons who own or operate all-terrain motorcycles ~~{;}~~ *and who is involved with or participates in the racing of off-highway motorcycles*; and

(3) One member who represents persons who own or operate snowmobiles. ~~{; and~~

~~— (4) One member who represents persons who own or operate, and participate in the racing of, off-highway motorcycles.~~

3. The following are nonvoting, ex officio members of the Commission:

(a) The State Director of the Nevada State Office of the Bureau of Land Management;

(b) The Forest Supervisor for the Humboldt-Toiyabe National Forest;

(c) The Director of the Department of Tourism and Cultural Affairs; and

(d) The Director of the Department of Motor Vehicles.

4. A nonvoting, ex officio member of the Commission may appoint, in writing, an alternate to serve in his or her place on the Commission.

5. The Governor shall not appoint to the Commission any member described in paragraph ~~{(h)}~~ (g) of subsection 2 unless the member has been recommended to the Governor by an off-highway vehicle organization. As used in this subsection, "off-highway vehicle organization" means a profit or nonprofit corporation, association or organization formed pursuant to the

laws of this State and which promotes off-highway vehicle recreation or racing.

~~{4-}~~ 6. After the initial terms, each member of the Commission *appointed pursuant to subsection 2* serves for a term of 3 years. A vacancy on the Commission must be filled in the same manner as the original appointment.

~~{5-}~~ 7. Except as otherwise provided in this subsection, a member of the Commission *who is appointed* may not serve more than two consecutive terms on the Commission. A member who has served two consecutive terms on the Commission may be reappointed if the Governor does not receive any applications for that member's seat or if the Governor determines that no qualified applicants are available to fill that member's seat.

~~{6-}~~ 8. The Governor shall ensure that, insofar as practicable, the members appointed to the Commission *pursuant to subsection 2* reflect the geographical diversity of this State.

~~{7-}~~ 9. Each member of the Commission:

(a) Is entitled to receive, if money is available for that purpose, ~~{from the fees collected pursuant to NRS 490.084,}~~ the per diem allowance and travel expenses provided for state officers and employees generally.

(b) *Who is not an officer or employee of the State of Nevada is entitled to receive, if money is available for that purpose, a salary of not more than \$80 per day for each day of attendance at a meeting of the Commission.*

(c) Shall swear or affirm that he or she will work to create and promote responsible off-highway vehicle recreation in the State. ~~{The Governor may remove a member from the Commission if the member violates the oath described in this paragraph.}~~

~~—8. The Commission may employ an Executive Secretary, who must not be a member of the Commission, to assist in its daily operations and in administering the Account for Off Highway Vehicles created by NRS 490.069.~~

~~—9. The Commission may adopt regulations for the operation of the Commission. Upon request by the Commission, the nonvoting advisers solicited by the Commission pursuant to NRS 490.068 may provide assistance to the Commission in adopting those regulations.}~~

10. A member of the Commission who is appointed by the Governor and who fails to attend at least three consecutive meetings of the Commission is subject to replacement. The Commission shall notify the appointing authority or group who recommended the member for appointment, if any, and the appointing authority or group may recommend a person to replace that member of the Commission. The replacement of a member pursuant to this subsection must be conducted in the same manner as the original appointment.

Sec. 7. NRS 490.068 is hereby amended to read as follows:

490.068 1. The Commission shall:



(a) Elect a Chair ~~{,}~~ and Vice Chair ~~{, Secretary and Treasurer}~~ from among its members.

(b) Meet at the call of the Chair.

(c) Meet at least four times each year.

(d) ~~{Solicit nine nonvoting advisers to the Commission to serve for terms of 2 years as follows:~~

~~— (1) One adviser from the Bureau of Land Management.~~

~~— (2) One adviser from the United States Forest Service.~~

~~— (3) One adviser who is:~~

~~— (I) From the Natural Resources Conservation Service of the United States Department of Agriculture; or~~

~~— (II) A teacher, instructor or professor at an institution of the Nevada System of Higher Education and who provides instruction in environmental science or a related field.~~

~~— (4) One adviser from the State Department of Conservation and Natural Resources.~~

~~— (5) One adviser from the Department of Wildlife.~~

~~— (6) One adviser from the Department of Motor Vehicles.~~

~~— (7) One adviser from the Commission on Tourism, other than the Chair of the Nevada Indian Commission.~~

~~— (8) One adviser from the Nevada Indian Commission.~~

~~— (9) One adviser from the United States Fish and Wildlife Service.]~~

*Provide direction to the Off-Highway Vehicles Program created by section 1 of this act.*

*(e) Perform the duties assigned to the Commission set forth in NRS 490.083 and 490.084.*

*2. A majority of the voting members of the Commission constitutes a quorum for the transaction of business, and a majority vote of those members present at any meeting is sufficient for any official action taken by the Commission.*

*3. The Commission may award a grant of money from the Account for Off-Highway Vehicles created by NRS 490.069. Any such grant must comply with the requirements set forth in NRS 490.069. The Commission shall:*

*(a) Adopt regulations setting forth who may apply for a grant of money from the Account for Off-Highway Vehicles and the manner in which such ~~{a person}~~ an applicant may submit the application to the Commission. The regulations adopted pursuant to this paragraph must include, without limitation, requirements that:*

*(1) Any ~~{person}~~ applicant requesting a grant provide proof satisfactory to the Commission that the appropriate federal, state or local governmental agency has been consulted regarding the nature of the project to be funded by the grant and regarding the area affected by the project;*

*(2) The application for the grant address all applicable laws and regulations, including, without limitation, those concerning:*

(I) Threatened and endangered species in the area affected by the project;

(II) Ecological, cultural and archaeological sites in the area affected by the project; and

(III) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area affected by the project; and

(3) Any compliance information provided by an appropriate federal, state or local governmental agency, and any information or advice provided by any agency, group or individual be submitted with the application for the grant.

(b) Adopt regulations for awarding grants from the Account ~~[-~~

~~-(e) Adopt regulations for determining the]~~, *including, without limitation, developing criteria:*

*(1) That promote projects which integrate multiple grant categories;*

*(2) That encourage a distribution of grants among all grant categories; and*

*(3) For the determination of acceptable performance of work on a project for which a grant is awarded.*

~~[(d) Approve the completion of, and payment of money for, work performed on a project for which a grant is awarded, if the Commission determines the work is acceptable.~~

~~-(e) Monitor the accounting activities of the Account.~~

~~3. The nonvoting advisers solicited by the]~~

4. ~~The Commission [pursuant to paragraph (d) of subsection 1 shall assist the Commission in carrying out the duties set forth in this section and shall review for completeness and for compliance with the requirements of paragraph (a) of subsection 2 all]~~ *may solicit input regarding applications for grants [-*

~~4.] from a technical advisory committee formed pursuant to section 1 of this act.~~

5. For each regular session of the Legislature, the *Chair of the Commission* shall ~~[prepare a]~~ *review the comprehensive report [-, including, without limitation, a summary of any grants that the Commission awarded and of the accounting activities of the Account, and any recommendations of the Commission for proposed legislation. The]* *prepared pursuant to section 1 of this act. Upon approval of the report by the Chair of the Commission, the report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.*

Sec. 8. NRS 490.069 is hereby amended to read as follows:

490.069 1. The Account for Off-Highway Vehicles is hereby created in the State General Fund as a revolving account. The ~~[Commission]~~ *Director of the State Department of Conservation and Natural Resources* shall administer 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. ~~{During the period beginning on July 1, 2012, and ending on June 30, 2013, money in the Account may only be used by the Commission for the reasonable administrative costs of the Commission and to inform the public of the requirements of this chapter.~~

~~—3.—~~ On or after July 1, ~~{2013,}~~ 2017, money in the Account may only be used ~~{by the Commission}~~ as follows:

(a) ~~{Not more than 5 percent of the money that is in the Account as of January 1 of each year may be used for the reasonable}~~ *To pay for the operating expenses of the Commission, including, without limitation, any debts or obligations lawfully incurred by the Commission before July 1, 2017, and the administrative {costs} expenses of the {Account.}* *Off-Highway Vehicles Program created by section 1 of this act, consistent with the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to section 1 of this act.*

(b) ~~{Except as otherwise provided in subsection 4, 20 percent of any money in the Account as of January 1 of each year that is not used pursuant to paragraph (a) must be used for law enforcement, as recommended by the Office of Criminal Justice Assistance of the Department of Public Safety, or its successor, and any remaining portion of that money may be used as follows:~~

~~—(1)—~~ Sixty percent of the money may be used for projects relating to:

~~—(D)—~~ *To fund a reserve amount as provided in the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to section 1 of this act.*

(c) *Any money in the Account that is not used pursuant to paragraph (a) or (b) each fiscal year may be used by the Commission to award grants as provided in NRS 490.068 for projects relating to:*

(1) *Studies or planning for trails and facilities for use by owners and operators of off-highway vehicles. Money received pursuant to this {sub-subparagraph} subparagraph may be used to prepare environmental assessments and environmental impact studies that are required pursuant to 42 U.S.C. §§ 4321 et seq.*

~~{(II)}~~ (2) *The mapping and signing of those trails and facilities.*

~~{(III)}~~ (3) *The acquisition of land for those trails and facilities.*

~~{(IV)}~~ (4) *The enhancement {and} or maintenance, or both, of those trails and facilities.*

~~{(V)}~~ (5) *The construction of those trails and facilities.*

~~{(VI)}~~ (6) *The restoration of areas that have been damaged by the use of off-highway vehicles.*

~~{(2) Fifteen percent of the money may be used for safety}~~

(7) *The prevention of impacts to important environmental areas or wildlife habitat that would be subject to damage by the use of off-highway vehicles.*

(8) *Safety training and education relating to the use of off-highway vehicles.*

~~[4. If money is used for the projects described in paragraph (b) of subsection 3, not more than 30 percent of such money may be allocated to any one category of projects described in subparagraph (1) of that paragraph.]~~

(9) *Efforts to improve compliance with and enforcement of the requirements relating to off-highway vehicles.*

Sec. 9. NRS 490.082 is hereby amended to read as follows:

490.082 1. An owner of an off-highway vehicle that is acquired:

(a) Before July 1, 2011:

(1) May apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, shall, within 1 year after July 1, 2011, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.

(b) On or after July 1, 2011, shall, within 30 days after acquiring ownership of the off-highway vehicle:

(1) Apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle pursuant to this section or NRS 490.0825.

2. If an owner of an off-highway vehicle applies to the Department or to an authorized dealer for:

(a) A certificate of title for the off-highway vehicle, the owner shall submit to the Department or to the authorized dealer proof prescribed by the Department that he or she is the owner of the off-highway vehicle.

(b) Except as otherwise provided in NRS 490.0825, the registration of the off-highway vehicle, the owner shall submit:

(1) If ownership of the off-highway vehicle was obtained before July 1, 2011, proof prescribed by the Department:

(I) That he or she is the owner of the off-highway vehicle; and

(II) Of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle; or

(2) If ownership of the off-highway vehicle was obtained on or after July 1, 2011:

(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of the off-highway vehicle, or submit an affidavit indicating that he or she purchased the vehicle

through a private party sale and no tax is due relating to the purchase of the off-highway vehicle; and

(II) Proof prescribed by the Department that he or she is the owner of the off-highway vehicle and of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

3. Registration of an off-highway vehicle is not required if the off-highway vehicle:

(a) Is owned and operated by:

(1) A federal agency;

(2) An agency of this State; or

(3) A county, incorporated city or unincorporated town in this State;

(b) Is part of the inventory of a dealer of off-highway vehicles and is affixed with a special plate provided to the off-highway vehicle dealer pursuant to NRS 490.0827;

(c) Is registered or certified in another state and is located in this State for not more than 15 days;

(d) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off-highway vehicle;

(e) Is used for work conducted by or at the direction of a public or private utility;

(f) Was manufactured before January 1, 1976;

(g) Is operated solely in an organized race, festival or other event that is conducted:

(1) Under the auspices of a sanctioning body; or

(2) By permit issued by a governmental entity having jurisdiction;

(h) Except as otherwise provided in paragraph (d), is operated or stored on private land or on public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event;

(i) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction; or

(j) Has a displacement of not more than 70 cubic centimeters.

➡ As used in this subsection, "sanctioning body" means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.

4. The registration of an off-highway vehicle pursuant to this section or NRS 490.0825 expires 1 year after its issuance. If an owner of an off-highway vehicle fails to renew the registration of the off-highway vehicle before it expires, the registration may be reinstated upon the payment to the Department of the annual renewal fee, a late fee of ~~[\$25]~~ \$10 and, if applicable, proof of insurance required pursuant to NRS 490.0825. Any late fee collected by the Department must be deposited with the State Treasurer

for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

5. If a certificate of title or registration for an off-highway vehicle is lost or destroyed, the owner of the off-highway vehicle may apply to the Department by mail, or to an authorized dealer, for a duplicate certificate of title or registration. The Department may collect a fee to replace a certificate of title or registration certificate, sticker or decal that is lost, damaged or destroyed. Any such fee collected by the Department must be:

- (a) Set forth by the Department by regulation; and
- (b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

6. The provisions of subsections 1 to 5, inclusive, do not apply to an owner of an off-highway vehicle who is not a resident of this State.

*Sec. 9.1. NRS 490.090 is hereby amended to read as follows:*

490.090 Except as otherwise provided in NRS 490.100 or 490.110:

1. A person ~~[shall not, except as otherwise provided in subsection 2 or 3,]~~ may, subject to the requirements of NRS 490.105, 490.120 and 490.130, operate an off-highway vehicle on ~~[a paved]~~ any highway, public land, trail, way or unpaved county road in this State that is not ~~[otherwise]~~ designated by a city, county or other governmental entity pursuant to NRS 490.100 as prohibited for use by off-highway vehicles.

2. A person may operate an off-highway vehicle on a ~~[paved]~~ highway that is ~~[not otherwise]~~ designated by a city, county or other governmental entity as prohibited for use by off-highway vehicles:

(a) If the off-highway vehicle is operated on the highway for the purpose of crossing the highway, comes to a complete stop before crossing and crosses as close as practicable to perpendicular to the direction of travel on the highway;

(b) If the off-highway vehicle is operated on the highway for the purpose of loading or unloading the off-highway vehicle onto or off of another vehicle or trailer, if the loading or unloading is as close as practicable to the place of operation of the off-highway vehicle;

(c) During an emergency if it is impossible or impracticable to use another vehicle or if a peace officer directs the operation of the off-highway vehicle; or

(d) If the off-highway vehicle is operated on a portion of a highway that is designated as a trail connector for a trail authorized for use by off-highway vehicles for not more than 2 miles.

~~[3. A person may operate an off-highway vehicle on any public land, trail, way or unpaved county road unless prohibited by the governmental entity which has jurisdiction over the public land, trail, way or unpaved county road.~~

~~4. A governmental entity specified in subsection 3 may:~~

~~— (a) Prepare and distribute upon request a map or other document setting forth each area of public land, trail, way or unpaved county road that is prohibited for the operation off-highway vehicles; and~~

~~— (b) Erect and maintain signs designating each area of public land, trail, way or unpaved county road that is prohibited for the operation off-highway vehicles.~~

Sec. 9.2. NRS 490.100 is hereby amended to read as follows:

490.100 1. Except as otherwise provided in subsection 2, a city, ~~for~~ county or other governmental entity may designate any portion of a highway within the city or county or under the jurisdiction of the governmental entity as ~~[permissible]~~ prohibited for the operation of off-highway vehicles. ~~[for the purpose of allowing off-highway vehicles to reach a private or public area that is open for use by off-highway vehicles. If a city or county designates any portion of a state highway as permissible for the operation of off-highway vehicles pursuant to this subsection, the]~~ The city, for county ~~[must obtain approval for the designation from]~~ or other governmental entity may consult the Department of Transportation ~~[. The Department of Transportation shall issue a timely decision]~~ concerning the ~~[request for approval and must not unreasonably deny the request.]~~ designation of any portion of a highway pursuant to this subsection.

2. ~~[The highway designated]~~ A city, county or other governmental entity must designate as prohibited for the operation of off-highway vehicles ~~[pursuant to subsection 1 may not consist of]~~ any portion of an interstate highway ~~[.] that exists within the jurisdiction of the city, county or other governmental entity.~~

3. ~~[If a city or county designates a highway for the operation of off-highway vehicles, the]~~ A city, for county or other governmental entity may [adopt]:

(a) Adopt an ordinance [requiring] authorizing a person who is less than 16 years of age [and who is operating the] to operate an off-highway vehicle on ~~[a]~~ certain designated ~~[highway to be]~~ highways in the jurisdiction of the city, county or other governmental entity if the person is under the direct visual supervision of a person who is at least 18 years of age.

~~[4. A person operating an off-highway vehicle on a highway designated for operation of off-highway vehicles pursuant to subsection 1 may not operate the off-highway vehicle on the highway for any purpose other than to travel to or from the private or public area as described in subsection 1.]~~

(b) Prepare and distribute upon request a map or other document setting forth each highway, area of public land, trail, way or unpaved county road that is designated as prohibited for the operation off-highway vehicles.

(c) Erect and maintain signs designating each highway, area of public land, trail, way or unpaved county road that is prohibited for the operation off-highway vehicles.

Sec. 9.3. NRS 490.110 is hereby amended to read as follows:

490.110 1. Except as otherwise provided in subsection 2, if an off-highway vehicle meets the requirements of this chapter and the operator ~~holds a valid driver's license and~~ operates the off-highway vehicle in accordance with the requirements of those sections, the off-highway vehicle may be operated on a highway in accordance with NRS 490.090 to 490.130, inclusive.

2. An off-highway vehicle may not be operated pursuant to this section:

(a) On an interstate highway;

(b) ~~On a paved highway in this State for more than 2 miles;~~ Except as otherwise provided in paragraph (a) of subsection 3 of NRS 490.100, unless the operator holds a valid driver's license;

(c) ~~Unless~~ If the highway is specifically designated as prohibited for use by off-highway vehicles ~~in a city whose population is 100,000 or more;~~ pursuant to NRS 490.100; or

(d) Unless it is a large all-terrain vehicle registered pursuant to NRS 490.0825 and being operated in accordance with NRS 490.090 or 490.105.

Sec. 9.4. NRS 490.120 is hereby amended to read as follows:

490.120 1. Except as otherwise provided in subsection 2 and in addition to the requirements set forth in NRS 490.070, a person shall not operate an off-highway vehicle on a highway pursuant to NRS 490.090 to 490.130, inclusive, unless the off-highway vehicle has:

(a) At least one headlamp that illuminates objects at least 500 feet ahead of the vehicle;

(b) At least one tail lamp that is visible from at least 500 feet behind the vehicle;

(c) At least one red reflector on the rear of the vehicle, unless the tail lamp is red and reflective;

(d) A stop lamp on the rear of the vehicle; and

(e) A muffler which is in working order and which is in constant operation when the vehicle is running.

2. The provisions of paragraphs (a) and (b) of subsection 1 do not apply to an off-highway vehicle which is operated during daylight hours ~~on a highway designated by a county pursuant to NRS 490.100 for the operation of the off-highway vehicle without at least one headlamp specified in paragraph (a) of subsection 1 or without at least one tail lamp specified in paragraph (b) of that subsection.~~

Sec. 10. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 11. 1. The terms of the members of the Commission on Off-Highway Vehicles who are appointed pursuant to paragraphs (f) and (g) and subparagraphs (2) and (4) of paragraph (h) of subsection 2 of NRS 490.067, as those provisions exist on June 30, 2017, expire on July 1, 2017.



2. On or before July 1, 2017, the Governor shall appoint to the Commission on Off-Highway Vehicles the members of the Commission on Off-Highway Vehicles specified in paragraph (f) and subparagraph (2) of paragraph (g) of subsection 2 of NRS 490.067, as amended by section 6 of this act, to initial terms of 3 years commencing on July 1, 2017.

Sec. 12. This act becomes effective:

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

2. On July 1, 2017, for all other purposes.

Senator Farley moved the adoption of the amendment.

Remarks by Senator Farley.

Amendment No. 951 to Assembly Bill No. 29 clarifies that grant funds may be used in OHV trail areas to minimize impacts to certain environmentally sensitive or important wildlife habitat areas through the development of trail features to sustain long-term OHV recreation but that grant funds may not be used to prohibit OHV use.

Amendment adopted.

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

Assembly Bill No. 122.

Bill read second time and ordered to third reading.

Assembly Bill No. 175.

Bill read second time.

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

Amendment No. 1098.

SUMMARY—Prescribes certain requirements for health benefits for the purpose of determining the minimum wage paid to employees in private employment in this State. (BDR 53-866)

AN ACT relating to employment; prescribing certain requirements for health benefits for the purpose of determining the minimum wage paid to employees in private employment in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 16 of article 15 of the Nevada Constitution requires each employer in this State to pay a certain minimum wage to each employee of the employer. Under this provision of the Nevada Constitution, if an employer offers health benefits to an employee and his or her dependents, the minimum wage required to be paid to the employee is lower than the minimum wage otherwise required to be paid to the employee. (Nev. Const. Art. 15, § 16) This bill establishes the minimum level of health benefits that an employer must make available to an employee and his or her dependents for the purpose of determining whether the employer is authorized to pay the lower minimum wage to the employee.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

*For the purpose of determining the minimum wage that may be paid per hour to an employee in private employment pursuant to Section 16 of Article 15 of the Nevada Constitution and NRS 608.250, an employer:*

*1. Provides health benefits as described in Section 16 of Article 15 of the Nevada Constitution only if the employer makes available to the employee and the employee's dependents:*

*(a) At least one health insurance plan that provides:*

*(1) Coverage for services in the following categories and the items and services covered within the following categories:*

*(I) Ambulatory patient services;*

*(II) Emergency services;*

*(III) Hospitalization;*

*(IV) Maternity and newborn care;*

*(V) Mental health and substance use disorder services, including, without limitation, behavioral health treatment;*

*(VI) Prescription drugs;*

*(VII) Rehabilitative and habilitative services and devices;*

*(VIII) Laboratory services;*

*(IX) Preventive and wellness services and chronic disease management;*

*(X) Pediatric services, including, without limitation, oral and vision care; and*

*(XI) Any other health care service or coverage level required to be included in an individual or group health insurance plan pursuant to any applicable provision of chapter 689A or 689B of NRS; and*

*(2) Provides a level of coverage that is designed to provide benefits that are actuarially equivalent to at least 60 percent of the full actuarial value of the benefits provided under the plan; or*

*(b) Health benefits pursuant to a Taft-Hartley trust which is formed pursuant to 29 U.S.C. § 186(c)(5) and qualifies as an employee welfare benefits plan pursuant to:*

*(1) The Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.; or*

*(2) The provisions of the Internal Revenue Code; and*

*2. Does not provide health benefits as described in Section 16 of Article 15 of the Nevada Constitution if the employer makes available to the employee and the employee's dependents a hospital-indemnity insurance plan or fixed-indemnity insurance plan unless the employer separately makes available to the employee and the employee's dependents at least one health insurance plan that complies with the requirements of subsection 1.*

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

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 1098 to Assembly Bill No. 175 amends subsection 1(a)(2) of section 1 to add that an employer is required to provide "at least" the level of coverage described in that paragraph.

Amendment adopted.

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

Assembly Bill No. 514.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 187.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1094.

SUMMARY—Makes an appropriation for the establishment of a fine arts museum in Las Vegas, Nevada, and the expansion of the Nevada Museum of Art in Reno, Nevada. (BDR S-267)

AN ACT making an appropriation for the establishment of a fine arts museum in Las Vegas, Nevada, and the expansion of the Nevada Museum of Art in Reno, Nevada; and providing other matters properly relating thereto.

WHEREAS, The arts and cultural assets such as museums enhance the quality of life of, create equity between and unite diverse people in a community; and

WHEREAS, The arts and cultural assets act as powerful drivers of the economy, with the capability of creating jobs, attracting and generating investments and stimulating a local economy through tourism and commerce; and

WHEREAS, Access to quality arts and cultural assets is an important factor considered by businesses when locating or relocating to a community and attracting and retaining workers; and

WHEREAS, Education in the arts is necessary for the cultivation of a competitive workforce from among the pupils of this State; and

WHEREAS, Nevada is committed to celebrating and enhancing the arts, culture and heritage of this State; and

WHEREAS, Las Vegas, Nevada, is the largest metropolitan area in the United States without a fine arts museum; and

WHEREAS, The City of Las Vegas has agreed to provide the Art Museum at Symphony Park, a nonprofit organization formed by local community leaders and advocates to establish a fine arts museum in southern Nevada, with land for the development of the fine arts museum; and

WHEREAS, The Nevada Museum of Art, including the Donald W. Reynolds Center for the Visual Arts and E.L. Wiegand Gallery, located in Reno, Nevada, has earned local, national and international financial support

and recognition as the oldest cultural institution in this State and is the only nationally accredited art museum in this State; and

WHEREAS, The Nevada Museum of Art and the Art Museum at Symphony Park are discussing a merger to unify the organizations into an accredited nonprofit entity responsible for establishing and operating fine arts museums and educational programs in this State; and

WHEREAS, Funding for the arts and cultural assets is a responsibility shared by private individuals, businesses, charitable foundations and the government at all levels; now, therefore,

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

Section 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of ~~(\$10,000,000)~~ \$1,000,000 for allocation pursuant to section 2 of this act to the nonprofit corporation formed to establish a fine arts museum in Las Vegas, Nevada, and to expand the Nevada Museum of Art in Reno, Nevada, upon a showing to the Committee:

1. That the corporation has been incorporated under the laws of this State as a nonprofit corporation; and

2. That the purpose of the corporation is to establish a fine arts museum in Las Vegas, Nevada, and to expand the Nevada Museum of Art in Reno, Nevada.

Sec. 2. 1. Allocation of the money appropriated by section 1 of this act must be contingent upon matching money being obtained by the nonprofit corporation described in section 1 of this act, including, without limitation, gifts, grants and donations to the nonprofit corporation from private and public sources of money other than the appropriation made by section 1 of this act. The Interim Finance Committee shall not direct the transfer of any portion of money from the appropriation made pursuant to section 1 of this act until the nonprofit corporation submits to the Committee proof satisfactory to the Committee that matching money in an equivalent amount has been committed.

2. Upon acceptance of the money allocated pursuant to subsection 1, the nonprofit corporation ~~(shall)~~ agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 21, 2018, that describes each expenditure made from the money allocated pursuant to subsection 1 from the date on which the money was received by the nonprofit corporation through December 1, 2018;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 20, 2019, that describes each expenditure made from the money allocated pursuant to subsection 1 from the date on which the money was received by the nonprofit corporation through June 30, 2019; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the nonprofit

corporation, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money allocated pursuant to subsection 1.

Sec. 3. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2019, 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 20, 2019, 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 20, 2019.

Sec. 4. This act becomes effective on July 1, 2017.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1094 to Senate Bill No. 187 reduces General Fund appropriations from the State General Fund to the Interim Finance Committee from \$10 million to \$1 million for allocation to a nonprofit corporation formed to establish a fine arts museum in Las Vegas, Nevada, and to expand the Nevada Museum of Art in Reno, Nevada.

Amendment adopted.

Bill read third time.

Remarks by Senators Segerblom, Kieckhefer and Cancela.

SENATOR SEGERBLOM:

Senate Bill No. 187 appropriates \$1 million from the State General Fund to the Interim Finance Committee for allocation to a nonprofit corporation formed to establish a fine arts museum in Las Vegas, Nevada, and to expand the Nevada Museum of Art in Reno, Nevada. The bill provides that the Interim Finance Committee shall not direct the transfer of funds until the nonprofit corporation submits proof of having obtained matching funds and sets forth reporting requirements of the nonprofit corporation to the Interim Finance Committee.

Finally, the bill provides that any remaining balance not committed for expenditure before June 30, 2019, and not spent before September 20, 2019, must be reverted to the State General Fund.

SENATOR KIECKHEFER:

This appropriation is lower than that which was originally proposed, but this is still an excellent bill. The Nevada Museum of Art is one of the cultural treasures of northern Nevada; it is the only nationally accredited museum in the State. The cultural experience this will provide for southern Nevada, Clark County and Las Vegas, not only for tourists, but also for residents of the State will be immense. Using that accreditation to build what will be a nine-figure art museum will bring a new level of arts and culture to downtown Las Vegas. This is something we can all be proud of when we walk out of this building at the end of this year. I encourage you to support this bill.

SENATOR CANCELA:

I echo what my colleagues have mentioned in support of Senate Bill No. 187. I would like to recognize a group of my constituents in District No. 10 who have been actively working to further the arts community in southern Nevada for a long time. They are mostly members of the Desert Arts Action Coalition, and I want to make sure people recognize this is not just a vote for us; it is a vote for hundreds of thousands of Nevadans who will benefit from this museum.

Roll call on Senate Bill No. 187:

YEAS—20.

NAYS—None.

EXCUSED—Gansert

Senate Bill No. 187 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 192.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1095.

SUMMARY—Establishes required hours of operation for certain mobile mental health units. (BDR 39-816)

AN ACT relating to mental health; establishing required hours of operation for mobile units operated by the Division of Public and Behavioral Health of the Department of Health and Human Services to provide mental health services in certain counties; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain facilities through which the Division of Public and Behavioral Health of the Department of Health and Human Services provides mental health services. (NRS 433.233) ~~(This)~~ Section 1 of this bill requires, in counties whose population is 100,000 or more (currently Clark and Washoe Counties), any mobile unit operated by such a facility to be available to provide services from 8 a.m. or earlier to 12 a.m. or later, 7 days a week, including holidays. Section 2 of this bill makes an appropriation to the Division for the costs relating to expanding the hours of operation of the mobile units providing mental health services.

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

Section 1. Chapter 433 of NRS is hereby amended by adding thereto a new section to read as follows:

*If a division facility provides mental health services using a mobile unit in a county whose population is 100,000 or more, the mobile unit must be available to provide such services from 8 a.m. or earlier to 12 a.m. or later, 7 days a week, including holidays.*

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for the costs relating to expanding the hours of operation of mobile units providing mental health services pursuant to section 1 of this act the following sums:

For Fiscal Year 2017-2018.....	\$1,400,528
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For Fiscal Year 2018-2019.....	\$1,417,080
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2. Any balance of the sums appropriated by subsection 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 3. 1. This section and section 2 of this act become effective on July 1, 2017.

2. Section 1 of this act becomes effective on July 1, 2017, for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of that section and on October 1, 2017, for all other purposes.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1095 to Senate Bill No. 192, appropriates \$1,400,528 in FY 2018 and \$1,417,080 in FY 2019 from the State General Fund to the Division of Public and Behavioral Health within the Department of Health and Human Services to fund the provisions of the bill.

Amendment adopted.

Bill read third time.

Remarks by Senators Cannizzaro and Ratti.

SENATOR CANNIZZARO:

Senate Bill No. 192 in its primary form requires a county whose population is 100,000 or more, Clark and Washoe, to operate mobile mental-health services in the services seven days a week, including holidays, from the hours of 8 a.m. or earlier to 12 a.m. or later. These services provide intervention and follow-up care for individuals who come into contact, primarily with law enforcement, where there is a mental-health situation. I cannot stress how important this is in our ability to help these people get access to follow-up care to ensure we are not populating our jails with people who simply have mental health problems that we are able to address what is a critical need in our communities. I implore my colleagues to vote "yes" on this important piece of legislation.

SENATOR RATTI:

As a member of the Sparks City Council for eight years, this bill hits home with me. During that time, we were trying to be supportive of individuals who did not have shelter assisted by a well-trained and wonderful police force that acknowledged they did not have the skills to deal with the mental-health challenges they were facing every day. I also do this in honor of a story that has captured the attention of people in northern Nevada, of a gentleman who slept outside in the freezing cold and unfortunately lost both of his feet. He did not get the care he needed, and I stand to support this bill. We do not have the tools we need to support those who are living without shelter in our communities. This bill goes a long way to ensure that those who are struggling with mental illness get the support they need and that law enforcement gets the support they need in being successful in their mission. This is an important bill, and I am grateful for it.

Roll call on Senate Bill No. 192:

YEAS—20.

NAYS—None.

EXCUSED—Gansert.

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. 200.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1066.

SUMMARY—Revises provisions relating to instruction in computer education and technology. (BDR 34-266)

AN ACT relating to education; requiring certain pupils to receive instruction in computer education and technology; authorizing a pupil to apply credit received for certain courses in computer science to fulfill requirements for graduation from high school, admission to college and eligibility for the Millennium Scholarship ~~and~~ under certain circumstances; requiring a school district or charter school to provide professional development concerning computer science and computer education and technology; requiring the Advisory Council on Science, Technology, Engineering and Mathematics to appoint a subcommittee on computer science to make recommendations concerning instruction in computer education and technology; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires computer education and technology to be taught in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children. (NRS 389.018) The Council to Establish Academic Standards for Public Schools is required to establish standards of content and performance for computer education and technology. (NRS 389.520) Section 2 of this bill requires that a course in computer science approved by the State Board of Education be made available to pupils at each public high school, each charter school that operates as a high school and each university school for profoundly gifted pupils. Section 3 of this bill requires each pupil who is enrolled in a public school or any state facility for the detention of children to receive instruction in computer education and technology that is approved by the State Board before beginning sixth grade. Section 3 also provides that if the State Board prescribes a course in computer education and technology for pupils in high school, the State Board is required to prescribe the amount of the instructional time for the course that must be dedicated to computer science and computational thinking. Sections 4.5 and 8.3 of this bill require the Department of Education to review all courses in computer science and



instruction in computer education and technology and make recommendations to the State Board concerning whether to approve the course or instruction. Section 5 of this bill requires that the standards of content and performance established by the Council for computer education and technology include standards for computer science and computational thinking.

Existing law requires a pupil in a public high school to enroll in at least four units of credit in mathematics and three units of credit in science. (NRS 389.018) Section 4 of this bill allows a pupil ~~to apply not more than one unit of credit received for completing~~ who completes certain courses in computer science to receive a fourth unit of mathematics credit or a third unit of science credit toward the total number of credits required in mathematics or science, as applicable, for graduation from high school. Sections 6 and 7 of this bill provide that if the Board of Regents of the Nevada System of Higher Education requires a student to successfully complete a course in mathematics or science to be admitted to any institution in the System or to be eligible for the Millennium Scholarship, the student may apply not more than one unit of credit received for completing certain courses in computer science toward those requirements ~~if the student has also completed a~~ certain number of units of credit in mathematics or science, as applicable.

Existing law requires the board of trustees of each school district and the governing body of each charter school to ensure that the teachers and administrators of the school district or charter school have access to professional development training concerning the curriculum and instruction required for courses of study in science, technology, engineering and mathematics. (NRS 391A.370) Section 5.5 of this bill requires that professional development training to include, to the extent applicable, training in computer science and computer education and technology.

Existing law establishes the Advisory Council on Science, Technology, Engineering and Mathematics. (NRS 223.640) Section 8 of this bill requires the Advisory Council to appoint a subcommittee on computer science to make recommendations concerning instruction in computer education and technology.

Section 8.5 of this bill makes appropriations to ~~the~~ the Department of Education; (1) ~~the~~ for transfer to the Clark and Washoe County School Districts for the purpose of carrying out the requirements of this bill; and (2) ~~the Department~~ to award noncompetitive grants to other school districts and charter schools for the purpose of carrying out the requirements of this bill.

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.5, inclusive, of this act.

Sec. 2. *The board of trustees of each school district, the governing body of each charter school that operates as a high school and the governing body*

of each university school for profoundly gifted pupils shall:

1. Ensure that a course in computer science that has been approved by the State Board is made available to pupils enrolled in each public high school within the school district or in the charter school or university school for profoundly gifted pupils, as applicable. The course may be a course of distance education that is approved by the State Board and included on the list prepared by the Department pursuant to NRS 388.834.

2. Make efforts to increase the enrollment in the course of female pupils, pupils with disabilities and pupils who belong to ethnic and racial groups that are underrepresented in the field of computer science, as identified by regulation of the State Board.

Sec. 3. 1. Before beginning sixth grade, each pupil who is enrolled in a public school, the Caliente Youth Center, the Nevada Youth Training Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS, including, without limitation, each pupil with a disability who is so enrolled, must receive instruction in computer education and technology approved by the State Board, including, without limitation, instruction on the skills necessary to complete the criterion-referenced examinations administered pursuant to NRS 390.105.

2. If the State Board prescribes a course in computer education and technology pursuant to NRS 385.114 for pupils enrolled in high school, the State Board shall adopt regulations prescribing the percentage of the instructional time for the course that must be dedicated to computer science and computational thinking, which may include, without limitation, instruction in logic, coding, robotics and cyber security.

Sec. 4. 1. Except as otherwise provided in this section, each public high school, including without limitation, a charter school, must allow a pupil enrolled in the school to receive a fourth unit of credit towards the mathematics credits required for graduation from high school or ~~science~~ a third unit of credit towards the science credits required for graduation from high school for successful completion of:

- (a) An advanced placement computer science course;
- (b) A computer science course that is offered through a program of career and technical education; or
- (c) A computer science course that is offered by a community college or university which has been approved pursuant to NRS 389.160.

2. A pupil:

(a) May not apply more than one unit of credit received for the completion of one or more courses described in subsection 1 toward the mathematics or science credits required for graduation from high school.

(b) Must successfully complete each mathematics or science course for which an end-of-course examination is prescribed by the State Board pursuant to NRS 390.600.

Sec. 4.5. *The department, in consultation with the Advisory Council on Science, Technology, Engineering and Mathematics created by NRS 223.640, shall:*

1. *Review all instruction in computer education and technology submitted to the State Board for approval pursuant to section 3 of this act; and*

2. *Make recommendations to the State Board concerning whether the instruction should be approved.*

Sec. 5. 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 4, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English language arts;

(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 ~~and~~, *which includes computer science and computational thinking;*

(7) Health;

(8) Physical education; and

(9) A foreign or world language.

(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 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(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 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 standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts 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.

5. 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.

6. 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.

7. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

8. 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. 5.5. NRS 391A.370 is hereby amended to read as follows:

391A.370 1. The board of trustees of each school district and the governing body of each charter school shall ensure that the teachers and administrators employed by the school district or charter school have access to high-quality, ongoing professional development training. The professional development training must include, without limitation, training concerning:

~~{1-}~~ (a) The academic standards adopted by the State Board, including, without limitation, the academic standards for science.

~~{2-}~~ (b) The academic standards and curriculum in English language development and literacy.

~~{3-}~~ (c) The curriculum and instruction required for courses of study in:

~~{(a)}~~ (1) Science, technology, engineering and mathematics ~~{-~~  
~~—(b)}~~, including, without limitation and to the extent applicable, computer science and computer education and technology.

(2) English language development and literacy.

~~{4-}~~ (d) The cultural competency required to meet the social, emotional and academic needs of certain categories of pupils enrolled in the school, including, without limitation, pupils who are at risk, pupils who are limited English proficient, pupils with disabilities and gifted and talented pupils.

2. *Professional development training concerning the curriculum and instruction required for courses of study in computer science and computer education and technology may be provided by the school district or governing body or through an agreement with an institution of higher education, a regional training program for the professional development of teachers and administrators or the Department. If the professional development training is provided through an agreement with the Department, the professional development training may include content contributed by a third party if the content is approved by the Department for the purpose of professional development training.*

Sec. 6. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the Board of Regents adopts rules that require a student to successfully complete courses in mathematics or science before being admitted to an institution within the System, a student who has successfully completed one or more courses in computer science described in section 4 of this act must be allowed to apply not more than one unit of credit received*

for the completion of such courses toward ~~that~~ a requirement ~~to~~ to successfully complete a course in:

(a) Science, if the student successfully completed two units of credit in science; or

(b) Mathematics, if the student successfully completed three units of credit in mathematics and successfully completed Algebra II.

2. The State Board shall approve a course in computer science for the purposes of paragraph (b) of subsection 1 if the State Board deems the mathematics component of the course to be sufficiently rigorous.

Sec. 7. NRS 396.930 is hereby amended to read as follows:

396.930 1. Except as otherwise provided in subsections 2 and ~~{3,}~~ 4, a student may apply to the Board of Regents for a Millennium Scholarship if the student:

(a) Except as otherwise provided in paragraph (e) of subsection 2, has been a resident of this State for at least 2 years before the student applies for the Millennium Scholarship;

(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:

(1) After May 1, 2000, but not later than May 1, 2003; or

(2) After May 1, 2003, and, except as otherwise provided in paragraphs (c), (d) and (f) of subsection 2, not more than 6 years before the student applies for the Millennium Scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his or her high school diploma within 4 years after he or she was regularly scheduled to graduate; and

(3) Applies for the Millennium Scholarship not more than 6 years after he or she was regularly scheduled to graduate from high school;

(d) Except as otherwise provided in paragraph (e), maintained in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:

(1) A 3.00 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2003 or 2004;

(2) A 3.10 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class;

(e) Does not satisfy the requirements of paragraph (d) and received at least the minimum score established by the Board of Regents on a college entrance examination approved by the Board of Regents that was administered to the student while the student was enrolled as a pupil in a public or private high school in this State; and

(f) Is enrolled in at least:

(1) Nine semester credit hours in a community college within the System;

(2) Twelve semester credit hours in another eligible institution; or

(3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(1) The 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.

(2) The minimum number of credits prescribed in paragraph ~~{(e)}~~ (f) of subsection 1.

(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection ~~{3-}~~ 4.

(f) Shall establish criteria with respect to students who have been actively serving or participating in a charitable, religious or public service assignment or mission to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption and who otherwise meet the eligibility criteria to the extent that money is available to award Millennium Scholarships to the students after all other obligations for the award of Millennium Scholarships for the current school year have been satisfied.

3. *If the Board of Regents requires a student to successfully complete courses in mathematics or science to be eligible for a Millennium Scholarship, a student who has successfully completed one or more courses in computer science described in section 4 of this act must be allowed to apply not more than one unit of credit received for the completion of such courses toward that requirement.*

4. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph (e) of subsection 2, have been residents of this State for at least 2 years, the Board of Regents shall establish:

(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet,  
➔ to be eligible for Millennium Scholarships.

~~{4.}~~ 5. In awarding Millennium Scholarships, the Board of Regents shall enhance its outreach to students who:

(a) Are pursuing a career in education or health care;

(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or

(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

~~{5.}~~ 6. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so.

Sec. 8. NRS 223.650 is hereby amended to read as follows:

223.650 1. The Advisory Council on Science, Technology, Engineering and Mathematics created by NRS 223.640 shall:

(a) Develop a strategic plan for the development of educational resources in the fields of science, technology, engineering and mathematics to serve as a foundation for workforce development, college preparedness and economic development in this State;

(b) Develop a plan for identifying and awarding recognition to pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics;

(c) Develop a plan for identifying and awarding recognition to not more than 15 schools in this State that demonstrate exemplary performance in the fields of science, technology, engineering and mathematics;

(d) Conduct a survey of education programs and proposed programs relating to the fields of science, technology, engineering and mathematics in this State and in other states to identify recommendations for the implementation of such programs by public schools and institutions of higher education in this State and report the information gathered by the survey to the State Board of Education and the Board of Regents of the University of Nevada;



(e) Apply for grants on behalf of the State of Nevada relating to the development and expansion of education programs in the fields of science, technology, engineering and mathematics;

(f) Identify a nonprofit corporation to assist in the implementation of the plans developed pursuant to paragraphs (a), (b) and (c);

(g) Prepare a written report which includes, without limitation, recommendations based on the survey conducted pursuant to paragraph (d) and any other recommendations concerning the instruction and curriculum in courses of study in science, technology, engineering and mathematics in public schools in this State and, on or before January 31 of each odd-numbered year, submit a copy of the report to the State Board of Education, the Board of Regents of the University of Nevada, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature; ~~and~~

(h) Conduct surveys for and make recommendations as deemed necessary to the Office of Economic Development and the Governor's Workforce Investment Board ~~[-]~~; and

(i) *Appoint a subcommittee on computer science consisting of at least three members to provide advice and recommendations to:*

*(1) The State Board of Education, the Council to Establish Academic Standards for Public Schools, the boards of trustees of school districts and the governing bodies of charter schools and university schools for profoundly gifted pupils concerning the curriculum and materials for courses in computer science and computer education and technology and professional development for teachers who teach such courses; and*

*(2) The Commission on Professional Standards in Education concerning the qualifications for licensing teachers and other educational personnel who teach courses in computer science or computer education and technology.*

2. Each year the Council:

(a) Shall establish an event in southern Nevada and an event in northern Nevada to recognize pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics. The events must be held at an institution of higher education in this State.

(b) Shall establish a statewide event which must be held in Carson City to recognize not more than 15 schools in this State that have demonstrated exemplary performance in the fields of science, technology, engineering and mathematics.

(c) May accept any gifts, grants or donations from any source for use in carrying out the provisions of this subsection.

3. The Council or a subcommittee of the Council may seek the input, advice and assistance of persons and organizations that have knowledge, interest or expertise relevant to the duties of the Council.

4. The State Board of Education and the Board of Regents of the University of Nevada shall consider the plans developed by the Advisory Council on Science, Technology, Engineering and Mathematics pursuant to paragraphs (a), (b) and (c) of subsection 1 and the written report submitted pursuant to paragraph (g) of subsection 1. The State Board of Education shall adopt such regulations as the State Board deems necessary to carry out the recommendations in the written report.

Sec. 8.3. Section 4.5 of this act is hereby amended to read as follows:

Sec. 4.5. The department, in consultation with the Advisory Council on Science, Technology, Engineering and Mathematics created by NRS 223.640, shall:

1. Review *each course in computer science submitted to the State Board for approval pursuant to section 2 of this act* and all instruction in computer education and technology submitted to the State Board for approval pursuant to section 3 of this act; and
2. Make recommendations to the State Board concerning whether the *course or* instruction should be approved.

Sec. 8.5. 1. There is hereby appropriated from the State General Fund to the Department of Education for transfer to the Clark County School District for the purpose of carrying out the provisions of this act, the following sums:

For the Fiscal Year 2017-2018.....	<del>(\$800,000)</del> \$700,000
For the Fiscal Year 2017-2018.....	\$800,000

2. There is hereby appropriated from the State General Fund to the Department of Education for transfer to the Washoe County School District for the purpose of carrying out the provisions of this act, the following sums:

For the Fiscal Year 2017-2018.....	<del>(\$200,000)</del> \$100,000
For the Fiscal Year 2018-2019.....	\$200,000

3. There is hereby appropriated from the State General Fund to the Department of Education for the purpose of awarding grants of money to certain school districts and charter schools to carry out the provisions of this act, the following sums:

For the Fiscal Year 2017-2018.....	<del>(\$400,000)</del> \$200,000
For the Fiscal Year 2018-2019.....	\$400,000

4. Grants awarded from the sum appropriated by subsection 3 must be awarded to school districts, other than the Clark County School District or Washoe County School District, and charter schools in this State through a noncompetitive application process.

5. Any balance of the sums appropriated by subsections 1, 2 and 3 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which

the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 9. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 10. This act becomes effective upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act. For all other purposes:

1. This section and sections 1, 4, ~~6,~~ 7, 8, 8.5 and 9 of this act become effective on July 1, 2017.
2. Sections 3, 4.5, 5 and 5.5 of this act become effective on July 1, 2018.
3. Section 6 of this act becomes effective on July 1, 2020.
4. Sections 2 and 8.3 of this act become effective on July 1, 2022.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1066 to Senate Bill No. 200 revises section 4 to require a public high school and charter school to allow a pupil enrolled in that school to receive a fourth unit of credit towards the mathematics credits required for graduation or a third unit of credit towards the science credits required for graduation from high school as a result of successful completion of an advanced-placement computer science course, a computer science course offered through career and technical education or a computer science course offered through a community college or university approved pursuant to NRS 389.160. Amendment No. 1066 adds computer science and computer education and technology as approved areas for professional development.

The amendment further revises section 6 to allow not more than one unit of credit received by a student for the successful completion of a computer science course in high school to fulfill the math or science requirements prescribed by the Board of Regents and requires the State Board to approve a course in computer science if it deems the mathematics component of the course to be sufficiently rigorous.

Amendment adopted.

Bill read third time.

Remarks by Senators Woodhouse and Denis.

SENATOR WOODHOUSE:

Senate Bill No. 200 requires each public high school, charter high school and university school for profoundly gifted students to ensure that a computer science course is made available to pupils enrolled in that school and allows up to one unit of credit for a completed computer science course to be applied toward general mathematics or science requirements for high school graduation, Millennium Scholarship eligibility or admission to the Nevada System of Higher Education.

The bill further requires each student enrolled in a public school or State facility for the detention of children to receive instruction in computer education and technology prior to the beginning of grade six and requires the Department of Education, in consultation with the Advisory Council on Science, Technology, Engineering and Mathematics, to review computer education and technology instruction and make related recommendations to the State Board.

Finally, the bill allows each school district and charter school to provide related professional development training, either directly or through certain other entities designated in the bill, and appropriates \$2.4 million over the 2017-19 biennium to the Department of Education from the State General Fund to carry out the provisions of the bill.

SENATOR DENIS:

As someone who has spent his career in computers and technology, I am excited about this bill. I have young grandchildren who know how to use an iPad and other sorts of technology. Children do not need to learn how to use this sort of technology; they know how to do it before they start school. This bill will help them understand how technology works. There is nothing, today, that does not use technology, and this will give our students a step up into the future and make us more competitive when we are trying to get businesses to come to Nevada. I am excited about this bill and urge your support.

Roll call on Senate Bill No. 200:

YEAS—20.

NAYS—None.

EXCUSED—Gansert.

Senate Bill No. 200 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.

The following amendment was proposed by the Committee on Finance:

Amendment No. 944.

SUMMARY—Requires the Secretary of State to collect and report information related to gender equality in the workplace. (BDR ~~(18-990)~~ 7-990)

AN ACT relating to gender equality; requiring the Secretary of State to conduct ~~(an annual)~~ a survey of certain businesses to collect data and information related to issues of gender equality in the workplace; requiring the Secretary of State to make certain information relating to the survey available on the Internet ~~(and to certain educational institutions)~~ and to submit an annual report regarding the survey to the Governor and the Director of the Legislative Counsel Bureau; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill requires the Secretary of State to design and conduct ~~(an annual)~~ a survey of certain businesses which are applying for or renewing a state business ~~(registration)~~ license in this State to collect data and information related to issues of gender equality in the workplace. Section 3 provides that a response to the survey is voluntary but requires that ~~(any response be signed)~~ the person who submits the survey must attest to the truthfulness of the survey under the penalty of perjury. Section 3.3 of this bill requires the Secretary of State to make available ~~(-)~~ on the Internet website of the Office of the Secretary of State: (1) the responses to the survey; ~~(on the Internet website of the Office of the Secretary of State)~~ and (2) ~~(upon request)~~ aggregate data relating to the survey. ~~(to researchers at certain educational institutions)~~ Section 3.3 also requires the Secretary of State to submit an annual report on the survey to the Governor and the Director of the Legislative Counsel Bureau.

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

Section 1. Chapter ~~225~~ 75A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 2.5. *As used in sections 2.5 to 3.7, inclusive, of this act, "business" has the meaning ascribed to it in NRS 76.020.*

Sec. 3. 1. *The Secretary of State shall design and conduct ~~an annual~~ a survey of businesses in this State for the purpose of collecting data and information related to issues of gender equality in the workplace.*

2. *The Secretary of State shall ~~consult~~ work in consultation with the Nevada Commission for Women created by NRS 233I.020 regarding the ~~design~~ content of the survey.*

3. *The Secretary of State shall cause the survey to be ~~provided~~ offered through the state business portal to each business with operations and employees in this State at the time the business submits ~~to the Secretary of State~~ an online application for a state business ~~registration~~ license pursuant to NRS 76.100 or ~~for~~ an online renewal of a state business ~~registration~~ license pursuant to NRS 76.130.*

4. *A business is not required to respond to the survey, and neither the Secretary of State nor the Nevada Commission for Women shall ~~not~~ penalize or otherwise take any adverse action against a business that does not respond to the survey.*

5. *If a business responds to the survey, the ~~response~~ person who submits the survey must, ~~be signed~~ under penalty of perjury ~~by~~, attest to the truthfulness of the survey in his or her capacity as: ~~applicable~~:*

- (a) The owner of a business that is owned by a natural person;*
- (b) A member or partner of an association or partnership;*
- (c) A general partner of a limited partnership;*
- (d) A managing partner of a limited-liability partnership;*
- (e) A manager or managing member of a limited-liability company; ~~or~~*
- (f) An officer of a corporation ~~for some other person specifically authorized by the corporation to sign the response~~; or*
- (g) Any other natural person who has been authorized by a person described in paragraphs (b) to (f), inclusive, of this subsection to submit the survey on behalf of the business.*

~~6. The Secretary of State shall authorize and provide for:~~

- ~~(a) A business to receive the survey electronically and to submit electronically its response to the survey; and~~
- ~~(b) A person who signs a response to the survey pursuant to subsection 5 to sign the response electronically.~~

Sec. 3.3. 1. *The Secretary of State shall make available ~~for~~ on the Internet website of the Office of the Secretary of State:*

- (a) The responses to the survey conducted pursuant to section 3 of this act ~~on the Internet website of the Office of the Secretary of State~~ in such a*

manner that the responses ~~are accessible~~ may be searched electronically by the name of the business that submitted the response; and

(b) Aggregate data relating to the survey conducted pursuant to section 3 of this act, ~~for research purposes, to any college, university or institute that is part of or affiliated with the Nevada System of Higher Education upon request.~~

2. The Secretary of State shall annually compile the responses to the survey received during the immediately preceding year into a report and submit the report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, to the Legislative Commission.

Sec. 3.7. The Secretary of State may adopt such regulations as he or she determines to be necessary or advisable to carry out the provisions of sections 3 and 3.3 of this act.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7.5. The Secretary of State shall design and begin conducting the initial survey required by section 3 of this act before January 1, 2018.

Sec. 8. This act becomes effective on July 1, 2017 ~~to~~, and expires by limitation on December 31, 2022.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 944 to Senate Bill No. 343 changes section 3 to provide that the Secretary of State consult the Nevada Commission for Women regarding the content of the survey, rather than the design. The amendment also adds that the survey shall be offered through the State business portal to each business with operations and employees in the State, and that the Nevada Commission for Women shall not penalize a business if it does not respond to the survey. Additionally, section 3 is amended to provide that the person who submits the survey must attest to the truthfulness of the survey. The amendment changes section 3.3 to add that the Secretary of State shall make the survey responses available on its website and ensure that the responses may be searched electronically. The amendment removes that provision that aggregate data relating to the survey is limited to research purposes of the Nevada System of Higher Education upon request. Finally, the amendment provides that this bill expires by limitation on December 31, 2022.

Amendment adopted.

Bill read third time.

Remarks by Senators Farley and Harris.

SENATOR FARLEY:

Senate Bill No. 343 requires the Secretary of State to design and conduct a survey in consultation with the Nevada Commission for Women of certain businesses which are applying for or renewing a State business license to collect data and information related to issues of gender equality in the workplace. The bill provides that a response to the survey is voluntary but requires that the person who submits the survey must attest to the truthfulness of the survey

under the penalty of perjury. The measure also requires the Secretary of State to make available on the Office's website the responses to the survey and aggregate data relating to the survey. Additionally, this bill requires the Secretary of State to submit an annual report on the survey to the Governor and the Legislative Counsel Bureau.

SENATOR HARRIS:

On behalf my colleague who presented this bill, myself and a variety of stakeholders, this is a quintessential compromise bill. We were able to bring along business industry leaders who were able to bring along the chambers who were then able to bring along the stake holders who initially eyed this bill with a bit of suspicion. This is a wonderful opportunity for employers to represent and talk about the things they are doing in the area of gender equality, and they will have a voice on the Secretary of State's website to do that. I urge my colleagues to support the measure.

Roll call on Senate Bill No. 343:

YEAS—20.

NAYS—None.

EXCUSED—Gansert.

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. 451.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 995.

SUMMARY—Makes various changes relating to criminal justice. (BDR 14-1007)

AN ACT relating to criminal justice; creating the Nevada Sentencing Commission; prescribing the membership and duties of the Sentencing Commission; enacting various provisions relating to the Sentencing Commission; authorizing the Sentencing Commission to issue subpoenas; revising certain provisions governing the Advisory Commission on the Administration of Justice; authorizing the Sentencing Commission to request the drafting of not more than 1 legislative measure for each regular session of the Legislature; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Advisory Commission, among other duties, to identify and study the elements of this State's system of criminal justice, including certain issues relating to the sentencing of persons convicted of felonies and gross misdemeanors. (NRS 176.0123, 176.0125) Section 5 of this bill creates the Nevada Sentencing Commission and provides for the membership of the Sentencing Commission. Section 6 of this bill prescribes the duties of the Sentencing Commission, and includes, among other duties related to the sentencing of offenders convicted of a crime, a duty to make recommendations concerning the adoption of sentencing guidelines.

Section 12 of this bill repeals certain duties of the Advisory Commission on the Administration of Justice under existing law, as those duties are reenacted and replaced in section 6.

Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) Section 17 of this bill authorizes the Nevada Sentencing Commission to request for each regular session of the Legislature the drafting of not more than 1 legislative measure which relates to matters within the scope of the Sentencing Commission.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. *The Legislature hereby finds, and declares to be the public policy of this State, that:*

1. *Sentencing and corrections policies should embody fairness, consistency, proportionality and opportunity.*

2. *The laws of this State should convey a clear and purposeful rationale regarding sentencing and corrections. The statutes governing criminal justice should articulate the purpose of sentencing, and related policies and practices should be logical, understandable and transparent to stakeholders and the public.*

3. *A continuum of sentencing and corrections options should be available, with imprisonment reserved for the most serious offenders and adequate community programs for diversion and supervision of other offenders.*

4. *Sentencing and corrections policies should be resource sensitive as those policies may impact costs, inmate populations and public safety. Criminal justice agencies should strive to effectively measure costs and benefits.*

5. *Criminal justice information should be a foundation for effective data driven sentencing and corrections policies.*

6. *Sentencing and corrections policies should reflect current circumstances and needs.*

7. *Strategies to reduce crime and victimization should involve prevention, treatment, health and labor and must endeavor to utilize all available federal, academic and private resources and expertise.*

Sec. 4. *As used in sections 4 to 11, inclusive, of this act, "Sentencing Commission" means the Nevada Sentencing Commission created by section 5 of this act.*

Sec. 5. 1. *The Nevada Sentencing Commission is hereby created. The Sentencing Commission consists of:*

(a) *One member appointed by the Governor;*



(b) *One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;*

(c) *Two members who are judges appointed by the Chief Justice of the Supreme Court of Nevada;*

(d) *One member who is a representative of the Administrative Office of the Courts appointed by the Chief Justice of the Supreme Court of Nevada;*

(e) *The Director of the Department of Corrections;*

(f) *The Attorney General;*

(g) *One member who is a representative of the Office of the Attorney General, appointed by the Attorney General;*

(h) *One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;*

(i) *One member who is a representative of an office of public defender, appointed by the governing body of the State Bar of Nevada;*

(j) *One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;*

(k) *One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;*

(l) *One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;*

(m) *One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;*

(n) *One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;*

(o) *One member who is a representative of the Las Vegas Metropolitan Police Department, appointed by the Sheriff of Clark County;*

(p) *One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services;*

(q) *One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;*

(r) *Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and*

(s) *Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.*

2. *If any organization listed in subsection 1 ceases to exist, the appointment required pursuant to that subsection must be made by the association's successor in interest, or, if there is no successor in interest, by the Governor.*

3. *Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Sentencing Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.*

4. *The Legislators who are members of the Sentencing Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Sentencing Commission.*

5. *At the first regular meeting of each odd-numbered year, the members of the Sentencing Commission shall elect a Chair by majority vote who shall serve until the next Chair is elected.*

6. *The Sentencing Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.*

7. *A majority of the members of the Sentencing Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Sentencing Commission.*

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

9. *To the extent of legislative appropriation, the Director of the Legislative Counsel Bureau shall provide the Sentencing Commission with such staff as is necessary to carry out the duties of the Sentencing Commission.*

Sec. 6. *The Sentencing Commission shall:*

1. *Advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.*

2. *Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, without limitation, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.*

3. *Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, without limitation, the following:*

(a) *Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.*

(b) *Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.*

(c) *Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.*

(d) *Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.*

(e) *Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.*

(f) *Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.*

(g) *Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.*

4. *Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.*

5. *Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.*

6. *Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.*

7. *Identify potential areas of sentencing disparity related to race, gender and economic status.*

8. *Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.*

9. *Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.*

10. *For each regular session of the Legislature, prepare a comprehensive report including:*

(a) *The Sentencing Commission's recommended changes pertaining to sentencing;*

(b) *The Sentencing Commission's findings and any recommendations for proposed legislation; and*

(c) *A reference to any legislative measure requested pursuant to section 17 of this act.*

➡ *The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than January 1 of each odd-numbered year.*

Sec. 7. 1. *The Chair of the Sentencing Commission may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of sections 4 to 11, inclusive, of this act.*

2. *Any money received pursuant to this section must be deposited in the Special Account for the Support of the Nevada Sentencing Commission, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Sentencing Commission and its activities pursuant to sections 4 to 11, inclusive, of this act.*

Sec. 8. 1. *To carry out its powers and duties pursuant to sections 4 to 11, inclusive, of this act, the Sentencing Commission, or any member thereof acting on behalf of the Sentencing Commission with a concurrence of a majority of the members of the Sentencing Commission, may issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other papers and testimony.*

2. *If any person fails to comply with a subpoena issued by the Sentencing Commission or any member thereof pursuant to this section within 20 days after the date of service of the subpoena, the Sentencing Commission may petition the district court for an order of the court compelling compliance with the subpoena.*

3. *Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 20 days after the date of service of the order, and show cause why the person has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.*

4. *If it appears to the court that the subpoena was regularly issued by the Sentencing Commission or a member thereof pursuant to this section, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person shall be dealt with as for contempt of court.*

Sec. 9. 1. *The Department of Corrections shall:*

(a) *Provide the Sentencing Commission with any available statistical information or research requested by the Sentencing Commission and assist the Sentencing Commission in the compilation and development of*

information requested by the Sentencing Commission, including, but not limited to, information or research concerning the facilities and institutions of the Department of Corrections, the offenders who are or were within those facilities or institutions, rates of recidivism, the effectiveness of educational and vocational programs and the sentences which are being served or were served by those offenders;

(b) If requested by the Sentencing Commission, make available to the Sentencing Commission the use of the computers and programs which are owned by the Department of Corrections; and

(c) Provide the independent contractor retained by the Department of Administration pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

2. The Division shall:

(a) Provide the Sentencing Commission with any available statistical information or research requested by the Sentencing Commission and assist the Sentencing Commission in the compilation and development of information concerning sentencing, probation, parole and any offenders who are or were subject to supervision by the Division;

(b) If requested by the Sentencing Commission, make available to the Sentencing Commission the use of the computers and programs which are owned by the Division; and

(c) Provide the independent contractor retained by the Department of Administration pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.

Sec. 10. The Central Repository for Nevada Records of Criminal History shall provide the Sentencing Commission with any statistical data and information required to be collected pursuant to NRS 176.0128, as requested by the Sentencing Commission.

Sec. 11. The Department of Administration shall provide the Sentencing Commission with any projections on persons imprisoned, on probation, on parole and serving a term of residential confinement required pursuant to NRS 176.0129, as requested by the Sentencing Commission.

Sec. 12. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. ~~Identify~~ Except as otherwise provided pursuant to section 6 of this act, evaluate and study the elements of this State's system of criminal justice . ~~[which affect the sentences imposed for felonies and gross misdemeanors.~~

~~2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession,~~

~~manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.~~

~~—3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:~~

~~—(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.~~

~~—(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.~~

~~—(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.~~

~~—(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.~~

~~—(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.~~

~~—(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.~~

~~—(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.~~

~~—4.} 2. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:~~

~~(a) Policies relating to parole;~~

~~(b) Regulatory procedures and policies of the State Board of Parole Commissioners;~~

~~(c) Policies for the operation of the Department of Corrections;~~

~~(d) Budgetary issues; and~~

~~(e) Other related matters.~~

~~{5.} 3. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.~~

~~{6-}~~ 4. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

~~{7-}~~ 5. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

~~{8-} Compile and develop statistical information concerning sentencing in this State.~~

~~—9-}~~ 6. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

~~{10-}~~ 7. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

~~{11-}~~ 8. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

~~{12-}~~ 9. Identify and study the impacts and effects of collateral consequences of convictions in this State. Such identification and study:

(a) Must 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) 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; and

(c) Must include the posting of a hyperlink on the Commission's website to any 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.

~~{13-}~~ 10. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. *For a regular session, the Nevada Sentencing Commission created by section 5 of this act may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Commission. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.*

2. *A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.*

3. *The Legislative Counsel shall not assign a number to a request for the drafting of a legislative measure submitted pursuant to this section to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.*

Sec. 18. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, and section 17 of this act apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, and section 17 of this act for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, and section 17 of this act but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Assign a number to a request for the drafting of a legislative measure to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.



(c) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 18.5. 1. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of \$8,336 for the operating and other costs relating to the participation of the legislative members of the Nevada Sentencing Commission created by 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, 2019, 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 20, 2019, 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 20, 2019.

Sec. 19. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 20. This act becomes effective on July 1, 2017.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 995 to Senate Bill No. 451 appropriates \$8,336 from the State General Fund to the Legislative Fund for costs relating to the participation of the Legislative members of the Nevada Sentencing Commission. Any remaining balance of this appropriation must not be committed for expenditure after June 30, 2019, and any remaining funds must revert to the State General Fund on or before September 20, 2019.

Amendment adopted.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 451 establishes the Nevada Sentencing Commission and prescribes its membership and duties. In establishing the Sentencing Commission, Senate Bill No. 451 repeals certain duties of the Advisory Commission on the Administration of Justice and places those duties with the Sentencing Commission. The bill requires the Nevada Sentencing Commission to make recommendations and evaluate sentencing policies and guidelines and elements of the State's criminal justice system. Additionally, the bill authorizes members of the Sentencing Commission to issue subpoenas in order to carry out its duties and requires the Department of Corrections, the Central Repository for Nevada Records of Criminal History and the Department of Administration to provide and assist the Sentencing Commission with information requests.

Senate Bill No. 451 allows the Sentencing Commission to request the drafting of not more than one legislative measure for a regular session relating to matters within the scope of the Sentencing Commission. Further, the bill appropriates \$8,336 from the State General Fund to the Legislative Fund for costs relating to the participation of the legislative members of the Nevada Sentencing Commission and authorizes the Commission to accept grants and donations to carry out the provisions of the bill.

Roll call on Senate Bill No. 451:

YEAS—20.

NAYS—None.

EXCUSED—Gansert.

Senate Bill No. 451 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 467.

Bill read third time

The following amendment was proposed by the Committee on Finance:

Amendment No. 1007.

SUMMARY—Revises provisions relating to technology in public schools. (BDR 34-1120)

AN ACT relating to education; creating the Nevada Ready 21 Technology Program; establishing requirements for participation in the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Educational Technology and prescribes its duties. (NRS 388.790, 388.795) Section 3 of this bill creates the Nevada Ready 21 Technology Program and requires the Program to be administered by the Commission. Section 3 also requires the Commission to establish: (1) procedures by which the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils may apply for a grant of money; and (2) in consultation with each school district, standards and methods for measuring progress in certain areas for pupils enrolled at public schools that are awarded such a grant.

Section 4 of this bill requires a school district, charter school or university school for profoundly gifted pupils that receives a grant of money to annually provide a report to the Commission concerning implementation of the Program. Section 4 requires the Department of Education to enter into an agreement with a person or entity to carry out the Program. Section 4 also allows a school district, charter school or university school for profoundly gifted pupils to enter into an agreement with a person or entity to provide ~~computing devices for use in~~ services pursuant to the Program.

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, 3 and 4 of this act.

Sec. 2. *"Program" means the Nevada Ready 21 Technology Program created by section 3 of this act.*

Sec. 3. 1. *The Nevada Ready 21 Technology Program is hereby created for the purposes of:*

(a) *Providing each pupil and teacher at a public school which participates in the Program with 24-hour access to their own personal, portable technology device connected wirelessly to the Internet;*

(b) *Improving pupil outcomes through the use of digital teaching and learning technology, including, without limitation:*

(1) *Improving the extent to which pupils are engaged in classroom activity;*

(2) *Improving the attendance rate of pupils;*

(3) *Improving the graduation rate of pupils;*

(4) *Reducing the number of behavioral incidents in a classroom;*

(5) *Facilitating the application of material taught in the classroom to the real world; and*

(6) *Differentiating classroom instruction;*

(c) *Providing high-quality professional development for teachers to improve pupil outcomes through the use of digital teaching and learning technology;*

(d) *Effectively integrating technologies with teaching and learning; and*

(e) *Increasing the percentage of pupils who are career and workforce ready.*

2. *The Commission shall administer the Program.*

3. *In administering the Program, the Commission shall establish procedures by which the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils may apply to the Commission for a grant of money. An application for a grant must:*

(a) *Set forth a plan that includes:*

(1) *Measures designed to ensure that the school district, charter school or university school for profoundly gifted pupils submitting the application will apply best practices to the use of technology devices;*

(2) *Specific learning goals; and*

(3) *A method for measuring progress toward achieving those goals; and*

(b) *Provide a description of:*

(1) *The cost of purchasing the portable technology devices, the cost of professional development and any additional associated expenses of the school district, charter school or university school for profoundly gifted pupils to carry out the Program;*

(2) *The amount of money sought; and*

(3) *How the school district, charter school or university school for profoundly gifted pupils will pay for the difference between subparagraphs (1) and (2), if a difference exists.*

4. *To the extent that money is available, the Commission shall designate the amount of money that will be provided for each person intended to be served by any grant awarded by the Commission. The Commission shall review all applications submitted pursuant to subsection 3 and award a grant to the board of trustees of a school district, the governing body of a charter*

*school or the governing body of a university school for profoundly gifted pupils in an amount determined by ~~the Commission to be sufficient to fully implement the Program for~~ multiplying such an amount designated by the number of persons identified by the recipient of the grant ~~to be served by the grant.~~ The Commission may establish by regulation the criteria it will consider in determining whether to award a grant ~~to~~ but shall not give preference in the awarding of a grant to an applicant solely on the basis of the vendor that the applicant intends to use pursuant to the grant.*

5. The Commission shall, in consultation with each school district, establish standards and methods for measuring progress in the level of academic achievement and other areas identified by the Commission for pupils enrolled at public schools that are awarded a grant of money pursuant to subsection 4.

Sec. 4. 1. A school district, charter school or university school for profoundly gifted pupils that receives a grant pursuant to section 3 of this act shall annually provide a report to the Commission in the form prescribed by the Commission that includes, without limitation:

(a) Any expenditures of money to implement the Program by the school district, charter school or university school for profoundly gifted pupils;

(b) A summary of the progress of the school district, charter school or university school for profoundly gifted pupils toward meeting the learning goals specified in the application for a grant submitted pursuant to section 3 of this act; and

(c) Any feedback received by the school district, charter school or university school for profoundly gifted pupils concerning the Program from other recipients of money from the Program.

2. The Department shall enter into an agreement with a person or entity to carry out the Program. Such a person or entity may provide ~~to~~ the following services:

(a) Computing devices that meet the minimum requirements established by the Commission for use in the Program.

(b) Software and applications.

(c) Learning management systems that allow the school district, charter school or university school for profoundly gifted pupils to create instructional materials to be used in a classroom and to track and manage such materials.

(d) Professional development.

(e) Wireless networking solutions.

3. A school district, charter school or university school for profoundly gifted pupils that receives a grant pursuant to section 3 of this act may enter into an agreement with a person or entity to provide ~~computing devices that meet the minimum requirements established by the Commission for use in the Program.~~ any or all of the services described in paragraphs (a) to (e), inclusive, of subsection 2.

Sec. 5. NRS 388.780 is hereby amended to read as follows:

388.780 As used in NRS 388.780 to 388.805, inclusive, *and sections 2, 3 and 4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 388.785 and 388.787 *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 6. This act becomes effective on July 1, 2017.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1007 to Senate Bill No. 467 provides that the Commission on Educational Technology must designate the amount of money that will be provided for each person intended to be served by any grant awarded by the Commission; the Commission shall not give preference in the awarding of a grant to an applicant solely based on the basis of the vendor that an applicant intends to use, and the Department of Education and public schools receiving a grant are authorized to enter into certain agreements with persons or entities to carry out the Nevada Ready 21 Technology program.

Amendment adopted.

Bill read third time.

Remarks by Senators Denis and Hardy.

SENATOR DENIS:

Senate Bill No. 467 creates the Nevada Ready 21 Technology program for the purposes of providing students and teachers with 24-hour access to their own personal, portable technology device connected wirelessly to the Internet and improving student outcomes through the use of digital technology. The bill requires the Commission on Educational Technology to administer the program and requires the Commission to establish procedures by which the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted students may apply for a grant of money; in consultation with each school district, standards and methods for measuring progress in certain areas for students enrolled at public schools that are awarded such a grant, and the amount of money that will be provided for each person intended to be served by any grant awarded by the Commission. The Department of Education and public schools receiving a grant are authorized to enter into certain agreements with persons or entities to carry out the Nevada Ready 21 Technology program.

The program has been running, and those that are currently running would get funding first; then, the new cohorts would get funded under this legislation. This is a hold harmless for those who are already participating in the program.

SENATOR HARDY:

Section 3 states the pupil would have 24-hour access to their own personal, portable device. Does this limit the parents from setting time limits on usage or website restrictions?

SENATOR DENIS:

It is up to the parents to decide how they would like to monitor the device. This is also done at schools; some schools allow the device only in certain classes and lock them in the library during other classes. Parents have the ability to allow or not allow the device. I am not aware of all the software that comes with the device, but the parents could install software as well to control usage.

Roll call on Senate Bill No. 467:

YEAS—20.

NAYS—None.

EXCUSED—Gansert.

Senate Bill No. 467 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

#### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Commerce, Labor and Energy, to which was referred Assembly Bill No. 328, 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 Government Affairs, to which was referred Assembly Bill No. 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID R. PARKS, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 291, 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

*Mr. President:*

Your Committee on Senate Parliamentary Rules and Procedures has approved the consideration of: Amendment No. 1104 to Assembly Bill No. 328.

KELVIN ATKINSON, *Chair*

#### MESSAGES FROM THE GOVERNOR

STATE OF NEVADA  
EXECUTIVE CHAMBER  
CARSON CITY, NEVADA 89701

MAY 30, 2017

THE HONORABLE AARON D. FORD, *Nevada Legislature*

401 South Carson Street, Carson City, Nevada 89701

DEAR LEADER FORD:

I am returning Senate Bill No. 434 and Senate Bill No. 374 to the 79th Session of the Nevada Legislature without my approval, accompanied by my letters of objection.

Sincerely,

BRIAN SANDOVAL  
*Governor of Nevada*

MAY 31, 2017

THE HONORABLE AARON D. FORD, *Nevada Legislature*

401 South Carson Street, Carson City, Nevada 89701

DEAR LEADER FORD:

I am returning Senate Bill No. 416 to the 79th Session of the Nevada Legislature without my approval, accompanied by my letters of objection.

Sincerely,

BRIAN SANDOVAL  
*Governor of Nevada*

JUNE 1, 2017

THE HONORABLE AARON D. FORD, *Nevada Legislature*  
401 South Carson Street, Carson City, Nevada 89701

DEAR LEADER FORD:

I am returning Senate Bill No. 196, Senate Bill No. 356, and Senate Bill No. 469 to the 79th Session of the Nevada Legislature without my approval, accompanied by my letters of objection.

Sincerely,  
BRIAN SANDOVAL  
*Governor of Nevada*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 2, 2017

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 545; Assembly Bill No. 519.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 69, 407, 413, 422, 423, 484, 489, 493, 497, 499, 504, 515.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 69, Amendment No. 1014, and respectfully requests your honorable body to concur in said amendment.

CAROL AIELLO-SALA  
*Assistant Chief Clerk of the Assembly*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ford moved that vetoed Senate Bills Nos. 140, 173, 196, 356, 374, 416, 434, 469 of the 79th Session be made a Special Order of Business for Saturday, June 3, 2017, at 11:15 a.m.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 69.

Senator Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 407.

Senator Atkinson moved to suspend Senate Standing Rule No. 40 and the bill be referred to the Committee on Education

Motion carried.

Assembly Bill No. 422.

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

Motion carried.

Assembly Bill No. 423.

Senator Atkinson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 484.

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

Motion carried.

Assembly Bill No. 489.

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

Motion carried.

Assembly Bill No. 493.

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

Motion carried.

Assembly Bill No. 497.

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

Motion carried.

Assembly Bill No. 499.

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

Motion carried.

Assembly Bill No. 504.

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

Motion carried.

Assembly Bill No. 515.

Senator Atkinson moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 519.

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

Motion carried.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 290.

Bill read second time and ordered to third reading.

Assembly Bill No. 291.

Bill read second time and ordered to third reading.

Assembly Bill No. 395.

Bill read second time and ordered to third reading.



Assembly Bill No. 472.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1102.

SUMMARY—Establishes policies for reducing recidivism rates and improving other outcomes for youth in the juvenile justice system. (BDR 5-918)

AN ACT relating to juvenile justice; creating the Juvenile Justice Oversight Commission ~~and~~ and an Advisory Committee to the Commission; prescribing the powers and duties of the Commission ~~and~~ and the Advisory Committee; imposing requirements related to juvenile justice on the Division of Child and Family Services of the Department of Health and Human Services and local departments of juvenile services; providing for the establishment of an evidence-based program resource center; requiring the juvenile court to make certain findings before committing a child to the custody of a state facility for the detention of children or a public or private institution or agency in another state; requiring departments of juvenile services to conduct a risk assessment and a mental health screening before the disposition of a case involving a child who is adjudicated delinquent; requiring the Division to consider the results of such an assessment and screening in making decisions concerning the placement of a child; revising provisions relating to mental health screenings of children referred to the system of juvenile justice; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; requiring the Youth Parole Bureau to adopt policies and procedures relating to responses to a child's violation of his or her terms and conditions of parole; requiring the juvenile court to consider the adherence of the Youth Parole Bureau to such policies and procedures in determining whether to suspend, modify or revoke a child's parole; revising provisions relating to revocation of a child's parole; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides generally for a system of juvenile justice in this State. (Title 5 of NRS) ~~[Federal law requires a state seeking grant money for the administration of a system of juvenile justice to have a state advisory group that oversees such a system. (42 U.S.C. § 5633(a)(3))]~~ Section 4 of this bill creates the Juvenile Justice Oversight Commission ~~and designates the Commission as the state advisory group for the purposes of federal law.]~~ to perform certain functions relating to the juvenile justice system. Section 4.5 of this bill creates an Advisory Committee consisting of two members of the Senate, two members of the Assembly and two judges of a juvenile court to provide recommendations to the Commission. Section 5 of this bill requires the Commission to: (1) establish a uniform procedure for the Division of Child and Family Services of the Department of Health and Human Services, the Youth Parole Bureau and each department of juvenile services in this

State to follow when developing performance measures related to the juvenile justice system; (2) establish standard procedures for measuring outcomes for children subject to the jurisdiction of the juvenile court; (3) select a validated risk assessment tool to assist the juvenile court, the Division and each department of juvenile services in determining the appropriate actions to take for children subject to the jurisdiction of the juvenile court and a validated mental health screening tool to determine the appropriate actions to take for children in need of supervision; and (4) contract with a qualified vendor or provider to provide technical assistance and training to employees of the juvenile justice system on the implementation and operation of such tools.

Section 6 of this bill requires the Commission to develop a 5-year strategic plan that establishes policies and procedures for the Division and each department of juvenile services relating to the use of evidence-based practices when providing services to children subject to the jurisdiction of the juvenile court. Section 7 of this bill requires the members of the Commission to conduct annual quality assurance reviews of each state facility for the detention of children and each regional facility for the treatment and rehabilitation of children, which section 13.2 of this bill defines as a regional facility which: (1) provides court-ordered treatment and rehabilitation for children; and (2) is administered by or for the benefit of more than one governmental entity. Section 7 requires such a quality assurance review to include a review of the facility's: (1) service delivery; (2) case management procedures; (3) policies on supervision and behavior management; and (4) procedures relating to the release of children from the facility. Section 7 also requires a facility to: (1) develop a facility improvement plan, in coordination with the Division or a local department of juvenile services, if such a plan is required to address any issues raised in the review; and (2) submit such a plan to the Commission. Section 7 further requires the Commission to compile all such facility improvement plans and submit the plans to the Governor and the Director of the Legislative Counsel Bureau with its annual review.

Section 8 of this bill requires the Division and each department of juvenile services to, on or before July 1, 2018, implement the validated risk assessment tool and the validated mental health screening tool selected by the Commission for evaluation of children subject to the jurisdiction of the juvenile court. Section 8 also establishes the cost allocation for the expenses of implementing such tools, such that the responsibility for those expenses will shift from the State to each department of juvenile services over the next 2 fiscal years. Section 9 of this bill requires the Division and each department of juvenile services that receives money from the state, other than any money received from the State Plan for Medicaid, to use such money to develop, promote and coordinate evidence-based programs and services. Section 9 also requires any contract between the Division or a department of juvenile services and a treatment provider for the provision of juvenile services to

require the treatment provider to comply with the evidence-based standards developed by the Commission.

Section 10 of this bill requires the Division to issue a request for proposals to establish an evidence-based program resource center. Section 10 requires the resource center to: (1) provide technical assistance to the Division, each department of juvenile services and treatment providers to support the implementation and operation of evidence-based programs and practices as set forth in the Commission's 5-year strategic plan; (2) provide various types of training to persons employed in the juvenile justice system; (3) act as a resource clearinghouse on evidence-based programs and practices; and (4) facilitate collaboration among state and local agencies and treatment providers who serve the juvenile justice system. Section 12 of this bill requires the Division and each department of juvenile services to develop and implement a family engagement plan to increase the participation of the family of a child who is subject to the jurisdiction of the juvenile court in the rehabilitation of the child.

Existing law establishes provisions governing the disposition by a juvenile court of cases of children subject to the court's jurisdiction. (Chapter 62E of NRS) Section 15 of this bill requires the department of juvenile services, before the disposition of a child's case, to conduct a risk assessment and a mental health screening on the child using the validated tools selected by the Commission and, in certain circumstances, a full mental health assessment, and to prepare a report based on the results of the risk assessment, mental health screening and any full mental health assessment as to the most appropriate disposition of the case. Section 16 of this bill requires a department of juvenile services to develop an individualized case plan for each child placed under the supervision of the juvenile court, placed under the informal supervision of a probation officer or committed to a regional facility for the treatment and rehabilitation of children. Section 16 sets forth the information required to be included in each case plan. Section 17 of this bill requires the Division to: (1) consider the results of a validated risk assessment, a validated mental health screening and any full mental health assessment to make decisions concerning the placement of a child; and (2) develop a case plan for each child committed to the Division for placement in a state facility for the detention of children. Section 14.5 of this bill requires the juvenile court to make certain findings before committing a child to the custody of a state facility for the detention of children, and section 18 of this bill requires the juvenile court to make certain findings before committing a child to a public or private institution or agency in another state. Sections 20 and 21 of this bill revise the process for how mental health screenings of children who are adjudicated delinquent and committed to a state facility for the detention of children or a regional facility for the treatment and rehabilitation of children are to be conducted.

Existing law requires the Division to: (1) establish a standardized system for the reporting, collection, analysis, maintenance and retrieval of

information concerning juvenile justice in this State; and (2) adopt regulations that require juvenile courts, local juvenile probation departments and the staff of the youth correctional services to submit certain information to the Division. (NRS 62H.200) Section 25 of this bill revises the types of juvenile justice information required to be submitted to the Division. Section 22 of this bill requires the Division to analyze such information and submit a report to the Governor and to the Legislature relating to the trends that exist in the juvenile justice system and the effectiveness of the system's programs and services. Section 33 of this bill repeals a similar provision that requires each local juvenile probation department to analyze such information and submit a report to the Division.

Section 24 of this bill authorizes the Division to withhold money from a juvenile court that does not comply with the regulations adopted by the Division relating to the submittal of certain juvenile justice information.

Existing law authorizes a director of juvenile services and the Youth Parole Bureau to release certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. (NRS 62H.025) Section 23 of this bill revises the list of persons to whom a director of juvenile services and the Youth Parole Bureau may release information to include: (1) the Chief Parole and Probation Officer; (2) the Director of the Department of Corrections; (3) a law enforcement agency; (4) the director of a regional facility for the treatment and rehabilitation of children; or (5) the director of an agency which provides mental health services.

Existing law provides for the suspension, modification or revocation of the parole of a child. (NRS 63.770) Section 26 of this bill requires the Youth Parole Bureau to establish policies and procedures to be used when determining the most appropriate and least restrictive response to a violation of a child of the terms and conditions of his or her parole. Section 26 requires, among other things, the Youth Parole Bureau to create a sliding scale of offenses based on the severity of the violation. Section 28 of this bill requires the juvenile court to consider the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 and consider the adherence of the Youth Parole Bureau to such policies and procedures when determining whether to suspend, modify or revoke the parole of a child. Section 29 of this bill prohibits the Chief of the Youth Parole Bureau from recommending to the juvenile court that a child's parole be revoked unless: (1) the child poses a risk to public safety; or (2) the other responses set forth in the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 would not be appropriate for the child.

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

Section 1. Chapter 62A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. "Commission" means the Juvenile Justice Oversight Commission established by section 4 of this act.

Sec. 2.5. "Committee" means the Advisory Committee to the Commission established by section 4.5 of this act.

Sec. 3. "Department of juvenile services" means the entity designated pursuant to chapter 62G of NRS to administer the provision of services relating to the delinquency of children.

Sec. 4. 1. The Juvenile Justice Oversight Commission is hereby established. ~~[The Commission is hereby designated as the state advisory group on juvenile justice required to be established pursuant to 42 U.S.C. § 5633(a)(3).]~~

2. The Commission consists of the Governor or his or her designee and 25 members appointed by the Governor. The Governor shall appoint to the Commission:

(a) Two members ~~[who are members of]~~ nominated by the Senate, ~~[one of whom must be from the majority political party and one of whom must be from the minority political party.]~~ who are not members of the Senate or public officers.

(b) Two members ~~[who are members of]~~ nominated by the Assembly, ~~[one of whom must be from the majority political party and one of whom must be from the minority political party.]~~ who are not members of the Assembly or public officers.

(c) Two members nominated by the Supreme Court, who are not judges ~~[of a juvenile court.]~~, justices or public officers.

(d) The Administrator of the Division of Child and Family Services or his or her designee.

(e) The Deputy Administrator of Juvenile Services of the Division of Child and Family Services or his or her designee.

(f) Three members who are directors of juvenile services, one each of whom must represent a county whose population:

(1) Is less than 100,000.

(2) Is 100,000 or more but less than 700,000.

(3) Is 700,000 or more.

(g) Two members who are district attorneys.

(h) Two members who are public defenders.

(i) One member who is a representative of a law enforcement agency.

(j) Two members who are representatives of a nonprofit organization which provides programs to prevent juvenile delinquency.

(k) One member who is a volunteer who works with children who have been adjudicated delinquent.

(l) Six members who are under the age of 24 years at the time of appointment.

3. At least three of the persons appointed to the Commission pursuant to subsection 2 must be persons who are currently or were formerly subject to the jurisdiction of the juvenile court.

4. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. Nine of the initial members of the Commission who are appointed pursuant to subsection 2 must be appointed to an initial term of 1 year. Each member of the Commission continues in office until his or her successor is appointed.

5. The members of the Commission serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

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

7. A member of the Commission who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Commission to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Commission; or

(b) Take annual leave or compensatory time for the absence.

8. At the first meeting of the Commission and annually thereafter:

(a) The Governor shall appoint a Chair of the Commission;

(b) The Commission shall elect a Secretary from among its members; and

(c) The Commission shall adopt rules for its own management and government.

9. The Commission shall:

(a) Hold its first meeting within 60 days after all the initial appointments to the Commission are made pursuant to subsection 2; and

(b) Meet at least once every 4 months and may meet at such further times as deemed necessary by the Chair.

10. As used in this section, "public officer" has the meaning ascribed to it in NRS 205.4627.

Sec. 4.5. 1. The Advisory Committee to the Commission is hereby established.

2. The Committee consists of six members appointed by the Governor. The Governor shall appoint:

(a) Two members of the Senate, one of whom must be from the majority political party and one of whom must be from the minority political party.

(b) Two members of the Assembly, one of whom must be from the majority political party and one of whom must be from the minority political party.

(c) Two members who are judges of a juvenile court.

3. The Committee shall make recommendations concerning any duties assigned to the Commission.

4. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. The members of the Committee serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

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

Sec. 5. In addition to the duties set forth in sections 6 and 7 of this act, the Commission shall:

1. On or before July 1, 2018, establish a uniform procedure for the Division of Child and Family Services, the Youth Parole Bureau and each department of juvenile services to use for developing performance measures to determine the effectiveness of the juvenile justice system, including, without limitation, performance measures for juvenile court referrals and dispositions, supervision of a child subject to the jurisdiction of the juvenile court, services provided by agencies which provide juvenile justice services and rates of recidivism.

2. On or before July 1, 2018, establish standard procedures for measuring outcomes for a child subject to the jurisdiction of the juvenile court, including, without limitation, standard procedures for measuring and reporting rates of recidivism in accordance with NRS 62H.200, and define any necessary terms.

3. On or before January 1, 2018, select:

(a) A validated risk assessment tool that uses a currently accepted standard of assessment to assist the juvenile court, the Division of Child and Family Services and departments of juvenile services in determining the appropriate actions to take for each child subject to the jurisdiction of the juvenile court; and

(b) A validated mental health screening tool that uses a currently accepted standard of assessment to determine the appropriate actions to take for each child in need of supervision pursuant to this title.

4. Contract with a qualified vendor or provider of technical assistance to assist the Division of Child and Family Services and each department of juvenile services with the implementation of the validated risk assessment tool. Such assistance must include, without limitation, employee training, policy development and the establishment of quality assurance protocols.

Sec. 6. 1. The Commission shall develop a 5-year strategic plan that establishes policies and procedures for the Division of Child and Family Services and each department of juvenile services relating to the use of

*evidence-based practices in providing services to children subject to the jurisdiction of the juvenile court. The plan must include, without limitation:*

*(a) Uniform standards that an evidence-based practice or program must follow, including, without limitation, model programs, staffing requirements and quality assurance protocols;*

*(b) Strategies, including, without limitation, measurable goals, timelines and responsible parties, to enhance the capacity of the Division of Child and Family Services and each department of juvenile services to:*

*(1) Comply with the evidence-based standards developed by the Commission; and*

*(2) Partner with treatment providers that offer evidence-based programs for the treatment of children subject to the jurisdiction of the juvenile court;*

*(c) A requirement for the collection and reporting of data to the Commission by each department of juvenile services relating to the programs offered and services rendered by each department; and*

*(d) Protocols for improvement and corrective action for:*

*(1) A department of juvenile services that does not comply with the reporting requirements established pursuant to paragraph (c); and*

*(2) A treatment provider that does not comply with the evidence-based standards established by the Commission.*

*2. The Division of Child and Family Services shall adopt regulations to implement the provisions of the strategic plan developed pursuant to subsection 1.*

*3. On or before July 1, 2018, and every 5 years thereafter, the Commission shall submit the strategic plan developed pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.*

*Sec. 7. 1. The members of the Commission shall conduct an annual quality assurance review of each state facility for the detention of children and regional facility for the treatment and rehabilitation of children. Each review must use a validated service assessment tool, selected by the Commission, which includes, without limitation:*

*(a) An analysis of the facility's service delivery;*

*(b) A review of the facility's case management procedures;*

*(c) A review of the facility's policies on supervision and behavior management of children placed in the facility; and*

*(d) An analysis of the facility's procedures relating to the release of children from the jurisdiction of the juvenile court.*

*2. Before conducting a review pursuant to subsection 1, a member of the Commission must receive training on the use of the validated service assessment tool selected by the Commission pursuant to subsection 1.*

*3. The members of the Commission who conduct a review pursuant to subsection 1 shall share the results of the review and recommendations for*



*improvement with the facility and the Division of Child and Family Services or a local department of juvenile services.*

*4. A facility shall develop a facility improvement plan, in coordination with the Division of Child and Family Services or a local department of juvenile services, if such a plan is required to address any issues raised in the review. Not more than 60 days after receiving the results of the review and recommendations for improvement pursuant to subsection 3, the facility shall submit the facility improvement plan to the Commission. The Commission shall compile all such facility improvement plans and submit the plans to the Governor and to the Director of the Legislative Counsel Bureau with its annual review.*

*Sec. 8. 1. On or before July 1, 2018, the Division of Child and Family Services and each department of juvenile services shall:*

*(a) Implement the validated risk assessment tool and the validated mental health screening tool selected by the Commission pursuant to subsection 3 of section 5 of this act; and*

*(b) Comply with the policies and quality assurance protocols set forth by the qualified vendor or other provider selected to provide technical assistance for the validated risk assessment tool pursuant to subsection 4 of section 5 of this act.*

*2. The costs of implementing and operating the validated risk assessment tool and the validated mental health screening tool pursuant to subsection 1 must be allocated in the following manner:*

*(a) In Fiscal Year 2017-2018, the Division of Child and Family Services pays 100 percent of the costs incurred by each department of juvenile services associated with the validated risk assessment tool and the validated mental health screening tool.*

*(b) In Fiscal Year 2018-2019, the Division of Child and Family Services pays 50 percent of the costs incurred by each department of juvenile services associated with the validated risk assessment tool and the validated mental health screening tool.*

*(c) In Fiscal Year 2019-2020 and in every subsequent fiscal year, each department of juvenile services is responsible for 100 percent of the costs that the department incurs associated with the validated risk assessment tool and the validated mental health screening tool.*

*Sec. 9. 1. Except as otherwise provided in subsection 2 and subject to the provisions of subsection 4, the Division of Child and Family Services and each department of juvenile services that receives money from the State, except money received from the State Plan for Medicaid as a benefit for a child subject to the jurisdiction of a juvenile court, must use such money to develop, promote and coordinate evidence-based programs and practices.*

*2. A department of juvenile services in a county whose population is less than 100,000 must be evaluated for compliance with the requirement set forth in subsection 1 based on the amount of money received from the State,*

*other limitations on resources and the availability of treatment providers in the county.*

*3. A contract or provider agreement between the Division of Child and Family Services or a department of juvenile services and a treatment provider for the provision of any juvenile services that uses money from the State must require the treatment provider to comply with the evidence-based standards developed by the Commission pursuant to section 6 of this act.*

*4. The Division of Child and Family Services and each department of juvenile services shall use the following percentages of money received from the State as described in subsection 1 to develop, promote and coordinate evidence-based programs and practices:*

*(a) In Fiscal Year 2019-2020, 25 percent.*

*(b) In Fiscal Year 2020-2021, 50 percent.*

*(c) In Fiscal Year 2021-2022, 75 percent.*

*(d) In Fiscal Year 2022-2023 and each subsequent fiscal year, 100 percent.*

*Sec. 10. 1. On or before September 1, 2017, the Division of Child and Family Services shall issue a request for proposals to establish an evidence-based program resource center.*

*2. The evidence-based program resource center shall:*

*(a) Provide technical assistance to the Division of Child and Family Services, each department of juvenile services and treatment providers to support the implementation and operation of evidence-based programs and practices as set forth in the strategic plan developed by the Commission pursuant to section 6 of this act;*

*(b) Provide on a statewide basis to persons employed in the juvenile justice system training relating to:*

*(1) The use of evidence-based programs and practices; and*

*(2) The analysis of quality assurance protocols to ensure such programs meet the evidence-based standards developed by the Commission pursuant to section 6 of this act;*

*(c) Act as a clearinghouse for information and statewide resources on evidence-based programs and practices for children subject to the jurisdiction of the juvenile court;*

*(d) Facilitate collaboration among state and local agencies and treatment providers to increase access to such providers; and*

*(e) Provide support for the assessment of the implementation of evidence-based standards by such state and local agencies.*

*Sec. 11. On or before July 1, 2019, and on or before July 1 of every year thereafter, the Division of Child and Family Services shall submit to the Governor, to the Commission and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature, a report detailing the Division's compliance with the evidence-based standards developed by the Commission pursuant to section 6 of this act and an*

*analysis of the data collected based on the performance measures adopted by the Division pursuant to NRS 62H.200.*

Sec. 12. *The Division of Child and Family Services and each department of juvenile services shall develop and implement a family engagement plan to enhance family engagement in the juvenile justice system. The plan must include strategies for:*

- 1. Increasing the family's contact with a child subject to the jurisdiction of the juvenile court;*
- 2. Engaging family members in the case plan of a child and in planning meetings for the release of the child from the jurisdiction of the juvenile court;*
- 3. Involving family members in the child's treatment; and*
- 4. Soliciting the feedback of family members relating to improvements to the services rendered to children subject to the jurisdiction of the juvenile court.*

Sec. 13. NRS 62A.010 is hereby amended to read as follows:

62A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 62A.020 to 62A.350, inclusive, and sections 2 and 3 of this act have the meanings ascribed to them in those sections.

Sec. 13.2. NRS 62A.280 is hereby amended to read as follows:

62A.280 1. "Regional facility for the ~~detention~~ treatment and rehabilitation of children" means a regional facility ~~for the detention or commitment of~~ which provides court-ordered treatment and rehabilitation for children and which is administered by or for the benefit of more than one governmental entity.

2. The term includes, but is not limited to:

- (a) The ~~institution~~ facility in Clark County known as Spring Mountain Youth Camp;
- (b) The ~~institution~~ facility in Douglas County known as China Spring Youth Camp; and
- (c) The ~~institution~~ facility in Lyon County known as Western Nevada Regional Youth Facility.

3. The term does not include:

- (a) Any local facility for the detention of children; or
- (b) The Nevada Youth Training Center, the Caliente Youth Center or any state facility for the detention of children.

Sec. 13.3. NRS 62B.130 is hereby amended to read as follows:

62B.130 1. If a child is detained other than pursuant to a court order in a local ~~for regional~~ facility for the detention of children, the county that has detained the child is entitled to reimbursement from the parent or guardian of the child for all money expended by the county for the support of the child during the period of the child's detention.

2. If the parent or guardian of the child fails or refuses to reimburse the county, the board of county commissioners may recover from the parent or

guardian, by appropriate legal action, all money due plus interest thereon at the rate of 7 percent per annum.

Sec. 13.4. NRS 62B.140 is hereby amended to read as follows:

62B.140 1. Except as otherwise provided in this subsection, if a child is committed to the custody of a regional facility for the ~~[detention]~~ *treatment and rehabilitation* of children, the juvenile court may order the county where the child has a legal residence to pay the expenses incurred for the support of the child in an amount equal to any money paid for that purpose by the Division of Child and Family Services. Such an order may not be entered if the county maintains the facility to which the child is committed.

2. The juvenile court may order the parent or guardian of the child to reimburse the county, in whole or in part, for any money expended by the county for the support of the child.

3. This section does not prohibit the juvenile court from providing for the support of the child in any other manner authorized by law.

Sec. 13.5. NRS 62B.150 is hereby amended to read as follows:

62B.150 1. Except as otherwise provided in subsection 6, each county shall pay an assessment for the operation of each regional facility for the ~~[detention]~~ *treatment and rehabilitation* of children that is partially supported by the State of Nevada and is operated by a county whose population is less than 700,000.

2. The assessment owed by each county equals the total amount budgeted by the Legislature for the operation of the regional facility, minus any money appropriated by the Legislature for the support of the regional facility, divided by the total number of pupils in this State in the preceding school year, excluding pupils in counties whose population is 700,000 or more, and multiplied by the number of pupils in the assessed county. The Administrator of the Division of Child and Family Services shall calculate the assessment owed by each county in June of each year for the ensuing fiscal year.

3. Each county must pay the assessed amount to the Division of Child and Family Services in quarterly installments that are due the first day of the first month of each calendar quarter.

4. The Administrator of the Division of Child and Family Services shall deposit the money received pursuant to subsection 3 in a separate account in the State General Fund. The money in the account may be withdrawn only by the Administrator for the operation of regional facilities for the ~~[detention]~~ *treatment and rehabilitation* of children.

5. Revenue raised by a county to pay the assessment required pursuant to subsection 1 is not subject to the limitations on revenue imposed pursuant to chapter 354 of NRS and must not be included in the calculation of those limitations.

6. The provisions of this section do not apply to a county whose population is 700,000 or more.

7. As used in this section, "regional facility for the ~~[detention]~~ *treatment and rehabilitation* of children" or "regional facility" does not include the ~~[institution]~~ facility in Lyon County known as Western Nevada Regional Youth Center.

Sec. 13.6. NRS 62B.160 is hereby amended to read as follows:

62B.160 1. Except as otherwise provided in subsection 5, each county shall pay an assessment for the operation of a regional facility for the ~~[detention]~~ *treatment and rehabilitation* of children that serves the county if the regional facility:

(a) Is operated by a county whose population is less than 700,000 or an administrative entity established pursuant to NRS 277.080 to 277.180, inclusive, by counties whose populations are less than 700,000 each;

(b) Is established by two or more counties pursuant to an interlocal agreement or by one county if the regional facility is operated pursuant to an interlocal agreement to benefit other counties; and

(c) Is not partially supported by the State of Nevada and does not receive money from the State of Nevada other than any fees paid to the regional facility for a child referred to the regional facility by the State of Nevada.

2. The administrator of a regional facility for the ~~[detention]~~ *treatment and rehabilitation* of children shall calculate the assessment owed by each county pursuant to subsection 1 on or before March 1 of each year for the ensuing fiscal year. The assessment owed by each county equals:

(a) For the first 2 years of operation of the regional facility, the total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils in the preceding school year in all counties served by the regional facility and multiplied by the number of pupils in the preceding school year in the assessed county.

(b) For each year subsequent to the second year of operation of the regional facility, unless the counties served by the regional facility enter into an interlocal agreement to the contrary, the total of:

(1) The total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the State of Nevada, divided by the total number of pupils in the preceding school year in all counties served by the regional facility, multiplied by the number of pupils in the preceding school year in the assessed county and multiplied by one-fourth; and

(2) The total amount budgeted for the operation of the regional facility by the governing body of the county or other entity responsible for the operation of the regional facility, minus any money received from the State of Nevada to pay for fees for a child referred to the regional facility by the

State of Nevada, divided by the total number of pupils who were served by the regional facility in the preceding school year from all counties served by the regional facility, multiplied by the number of pupils who were served by the regional facility in the preceding school year from the assessed county and multiplied by three-fourths.

3. Each county shall pay the assessment required pursuant to subsection 1 to the treasurer of the county if the regional facility is operated by a county or to the administrative entity responsible for the operation of the regional facility in quarterly installments that are due on the first day of the first month of each calendar quarter. The money must be accounted for separately and may only be withdrawn by the administrator of the regional facility.

4. The board of county commissioners of each county may pay the assessment from revenue raised by a tax levied pursuant to NRS 354.59818, any other available money, or a combination thereof.

5. The provisions of this section do not apply to a county whose population is 700,000 or more.

6. As used in this section, "regional facility for the ~~detention~~ *treatment and rehabilitation* of children" or "regional facility" does not include the ~~institution~~ facility in Douglas County known as China Spring Youth Camp.

Sec. 13.7. NRS 62B.215 is hereby amended to read as follows:

62B.215 1. A child who is detained in a local ~~for regional~~ facility for the detention of children *or committed to a regional facility for the treatment and rehabilitation of children* may be subjected to corrective room restriction only if all other less-restrictive options have been exhausted and only for the purpose of:

- (a) Modifying the negative behavior of the child;
- (b) Holding the child accountable for a violation of a rule of the facility;

or

- (c) Ensuring the safety of the child, staff or others or ensuring the security of the facility.

2. Any action that results in corrective room restriction for more than 2 hours must be documented in writing and approved by a supervisor.

3. A local ~~for regional~~ facility for the detention of children *or regional facility for the treatment and rehabilitation of children* shall conduct a safety and well-being check on a child subjected to corrective room restriction at least once every 10 minutes while the child is subjected to corrective room restriction.

4. A child may be subjected to corrective room restriction only for the minimum time required to address the negative behavior, rule violation or threat to the safety of the child, staff or others or to the security of the facility, and the child must be returned to the general population of the facility as soon as reasonably possible.

5. A child who is subjected to corrective room restriction for more than 24 hours must be provided:

(a) Not less than 1 hour of out-of-room, large muscle exercise each day, including, without limitation, access to outdoor recreation if weather permits;

(b) Access to the same meals and medical and mental health treatment, the same access to contact with parents or legal guardians, and the same access to legal assistance and educational services as is provided to children in the general population of the facility; and

(c) A review of the corrective room restriction status at least once every 24 hours. If, upon review, the corrective room restriction is continued, the continuation must be documented in writing, including, without limitation, an explanation as to why no other less-restrictive option is available.

6. A local ~~for regional~~ facility for the detention of children *or regional facility for the treatment and rehabilitation of children* shall not subject a child to corrective room restriction for more than 72 consecutive hours.

7. ~~Each~~ local ~~for regional~~ facility for the detention of children *and regional facility for the treatment and rehabilitation of children* shall report monthly to the Juvenile Justice Programs Office of the Division of Child and Family Services the number of children who were subjected to corrective room restriction during that month and the length of time that each child was in corrective room restriction. Any incident that resulted in the use of corrective room restriction for 72 consecutive hours must be addressed in the monthly report, and the report must include the reason or reasons any attempt to return the child to the general population of the facility was unsuccessful.

8. As used in this section, "corrective room restriction" means the confinement of a child to his or her room as a disciplinary or protective action and includes, without limitation:

- (a) Administrative seclusion;
- (b) Behavioral room confinement;
- (c) Corrective room rest; and
- (d) Room confinement.

Sec. 13.8. NRS 62C.035 is hereby amended to read as follows:

62C.035 1. Each child who is taken into custody by a peace officer or probation officer and detained in a local facility for the detention of children ~~for a regional facility for the detention of children~~ while awaiting a detention hearing pursuant to NRS 62C.040 or 62C.050 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs.

2. The facility in which the child is detained shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been detained in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of NRS 62E.516.

Sec. 14. Chapter 62E of NRS is hereby amended by adding thereto the provisions set forth as sections 14.5 to 17, inclusive, of this act.

Sec. 14.5. *Before the juvenile court commits a delinquent child to the custody of a state facility for the detention of children, the court must find that:*

- 1. Appropriate alternatives that could satisfactorily meet the needs of the child do not exist in the community or were previously used to attempt to meet such needs and proved unsuccessful; and*
- 2. The child poses a public safety risk based on the child's risk of reoffending, as determined by a risk assessment conducted pursuant to section 15 of this act, any history of delinquency and the seriousness of the offense committed by the child.*

Sec. 15. *1. Beginning on the date selected by the Commission for implementation of the requirement for use of the validated risk assessment tool and the validated mental health screening tool selected pursuant to section 5 of this act, before the disposition of a case involving a child who is adjudicated delinquent, the department of juvenile services shall conduct a validated risk assessment and validated mental health screening on the child, using the tools selected by the Commission. If the mental health screening indicates that the child is in need of a full mental health assessment, the department of juvenile services shall, to the extent money is available, provide for a full mental health assessment of the child.*

*2. The department of juvenile services shall prepare a report on the results of the risk assessment, mental health screening and, if applicable, the full mental health assessment conducted pursuant to subsection 1. The report must be included in the child's file and provided to all parties to the case. The report must identify the child's risk to reoffend and provide a recommendation for the type of supervision and services that the child needs.*

*3. The juvenile court shall use the report created pursuant to subsection 2 to assist the juvenile court in determining the disposition of the child's case.*

Sec. 16. *1. The department of juvenile services shall develop a written individualized case plan for each child placed under the supervision of the juvenile court pursuant to a supervision and consent decree, placed under the informal supervision of a probation officer pursuant to NRS 62C.200 or committed to a regional facility for the treatment and rehabilitation of children. In developing such a case plan, the department of juvenile services must use, without limitation:*

*(a) The results of the risk assessment and mental health screening conducted pursuant to section 15 of this act;*

*(b) The trauma, if any, experienced by the child;*

*(c) The education level of the child;*

*(d) The seriousness of the offense committed by the child; and*

*(e) Any relevant information provided by the family of the child.*

*2. A case plan developed pursuant to subsection 1 must:*



*(a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment and mental health screening conducted pursuant to section 15 of this act;*

*(b) Specify the level of supervision and intensity of services that the child needs;*

*(c) Provide referrals to treatment providers that may address the child's risks and needs;*

*(d) Be developed in consultation with the child's family or guardian, as appropriate;*

*(e) Specify the responsibilities of each person or agency involved with the child; and*

*(f) Provide for the full reentry of the child into the community.*

3. *In addition to the requirements of subsection 2, if a child is committed to a regional facility for the treatment and rehabilitation of children, the child's case plan must:*

*(a) Identify the projected length of stay and release criteria based on a risk assessment conducted pursuant to section 15 of this act, the seriousness of the offense committed by the child and treatment progress;*

*(b) Include a comprehensive plan for complete reentry of the child into the community; and*

*(c) Be reviewed at least once every 3 months by the department of juvenile services.*

4. *A reentry plan developed pursuant to subsection 3 must include, without limitation:*

*(a) A detailed description of the education, counseling and treatment provided to the child;*

*(b) A proposed plan for the continued education, counseling and treatment of the child upon his or her release;*

*(c) A proposed plan for the provision of any supervision or services necessary for the transition of the child; and*

*(d) A proposed plan for any engagement of the child's family or guardian.*

5. *The department of juvenile services must update a child's case plan at least once every 6 months, or when significant changes in the child's treatment occur, by conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to section 5 of this act.*

6. *A reentry planning meeting must be held at least 30 days before a child's scheduled release from a regional facility for the treatment and rehabilitation of children. As appropriate, based on the child's case plan, the meeting should be attended by:*

*(a) The child;*

*(b) A family member or the guardian of the child;*

*(c) The child's probation officer;*

*(d) Members of the staff of the regional facility for the treatment and rehabilitation of children; and*

*(e) Any treatment providers of the child.*

Sec. 17. 1. *The Division of Child and Family Services shall consider, without limitation, the results of a validated risk assessment, a validated mental health screening and, if applicable, a full mental health assessment conducted pursuant to section 15 of this act to make decisions concerning the placement of the child. The Division may consider the results of a risk and needs assessment of the child that was conducted by a local department of juvenile services if the assessment was conducted within the immediately preceding 6 months and no significant changes have occurred relating to the child's case.*

2. *The Division of Child and Family Services shall develop a length of stay matrix and establish release criteria for a state facility for the detention of children that are based on a child's risk of reoffending, as determined by the risk assessment for the child, the seriousness of the act for which the child was adjudicated delinquent and the child's progress in meeting treatment goals. In making release and discharge decisions, the Division shall use the matrix and release criteria developed pursuant to this subsection.*

3. *The Division of Child and Family Services shall develop a written individualized case plan for each child committed to the custody of the Division pursuant to NRS 62E.520. In developing such a case plan, the Division must use, without limitation:*

*(a) The results of the risk assessment, mental health screening and any full mental health assessment conducted pursuant to section 15 of this act;*

*(b) The trauma, if any, experienced by the child;*

*(c) The education level of the child;*

*(d) The seriousness of the offense committed by the child;*

*(e) The child's progress in meeting treatment goals; and*

*(f) Any relevant information provided by the family of the child.*

4. *A case plan developed pursuant to subsection 3 must:*

*(a) Address the risks the child presents and the service needs of the child based on the results of the risk assessment, mental health screening and any full mental health assessment conducted pursuant to section 15 of this act;*

*(b) Specify the level of supervision and services that the child needs;*

*(c) Provide referrals to treatment providers that may address the child's risks and needs;*

*(d) Be developed in consultation with the child's family or guardian, as appropriate;*

*(e) Specify the responsibilities of each person or agency involved with the child; and*

*(f) Provide for the full reentry of the child into the community.*

5. *In addition to the requirements of subsection 4, if a child is committed to a state facility for the detention of children, the child's case plan must:*

*(a) Include a comprehensive plan for complete reentry of the child into the community; and*

(b) *Be reviewed at least once every 3 months by the Division of Child and Family Services.*

6. *A reentry plan developed pursuant to subsection 5 must include, without limitation:*

(a) *A detailed description of the education, counseling and treatment provided to the child;*

(b) *A proposed plan for the continued education, counseling and treatment of the child upon his or her release;*

(c) *A proposed plan for the provision of any supervision or services necessary for the transition of the child; and*

(d) *A proposed plan for any engagement of the child's family or guardian.*

7. *The Division of Child and Family Services must update a child's case plan at least once every 6 months, or when significant changes in the child's treatment occur, by conducting another risk assessment and mental health screening using the tools selected by the Commission pursuant to section 5 of this act.*

8. *A reentry planning meeting must be held at least 30 days before a child's scheduled release from a state facility for the detention of children. As appropriate, based on the child's case plan, the meeting should be attended by:*

(a) *The child;*

(b) *A family member or the guardian of the child;*

(c) *The child's youth parole counselor;*

(d) *The superintendent of the state facility for the detention of children; and*

(e) *Any treatment providers of the child.*

Sec. 18. NRS 62E.110 is hereby amended to read as follows:

62E.110 1. Except as otherwise provided in this chapter, the juvenile court may:

(a) Place a child in the custody of a suitable person for supervision in the child's own home or in another home; ~~for~~

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children ~~for~~; or

(c) *Commit the child to the custody of the Division of Child and Family Services pursuant to NRS 62E.520.*

2. If the juvenile court places the child under supervision in a home:

(a) The juvenile court may impose such conditions as the juvenile court deems proper; and

(b) The program of supervision in the home may include electronic surveillance of the child.

3. If the juvenile court commits the child to the custody of a public or private institution or agency ~~for~~ *other than the Division of Child and Family Services*, the juvenile court shall select one that is required to be licensed by:

(a) The Department of Health and Human Services to care for such children; or

(b) If the institution or agency is in another state, the analogous department of that state.

4. *Before committing a child to a public or private institution or agency in another state, the juvenile court must find that:*

(a) *No public or private institution or agency in this State met the needs of the child or that such an institution or agency had previously attempted to meet such needs and proved unsuccessful; and*

(b) *Reasonable efforts had been made to consult with public or private institutions and agencies in this State to place or commit the child in this State, and that those efforts had failed.*

Sec. 19. NRS 62E.500 is hereby amended to read as follows:

62E.500 1. The provisions of NRS 62E.500 to 62E.730, inclusive ~~+~~, and sections 14.5 to 17, inclusive, of this act:

(a) Apply to the disposition of a case involving a child who is adjudicated delinquent.

(b) Except as otherwise provided in NRS 62E.700 and 62E.705, do not apply to the disposition of a case involving a child who is found to have committed a minor traffic offense.

2. If a child is adjudicated delinquent:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.500 to 62E.730, inclusive, and sections 14.5 to 17, inclusive, of this act that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

Sec. 20. NRS 62E.513 is hereby amended to read as follows:

62E.513 1. Each child who is adjudicated delinquent and committed by the juvenile court to a regional facility for the ~~detention~~ treatment and rehabilitation of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710 must be screened to determine whether the child is in need of mental health services or is an abuser of alcohol or drugs ~~+~~ once every 6 months or when significant changes to the child's case plan developed pursuant to section 16 or 17 of this act, as applicable, are made.

2. The facility to which the child is committed or in which the child is placed shall cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been committed to or placed in the facility.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of NRS 62E.516.

Sec. 21. NRS 62E.516 is hereby amended to read as follows:

62E.516 1. Each local facility for the detention of children ~~and regional facility for the detention of children~~ shall conduct the screening required pursuant to NRS 62C.035 ~~and 62E.513~~ using a method that has

been approved by the Division of Child and Family Services. The Division shall approve a method upon determining that the method is:

(a) Based on research; and

(b) Reliable and valid for identifying a child who is in need of mental health services or who is an abuser of alcohol or other drugs.

2. Each local facility for the detention of children ~~and regional facility for the detention of children~~ shall submit its method for conducting the screening required pursuant to NRS 62C.035 ~~and 62E.513~~ to the Division of Child and Family Services for approval on or before July 1 of each fifth year after the date on which the method was initially approved by the Division. Before a local facility for the detention of children ~~for regional facility for the detention of children~~ may begin using a new method for conducting the screening required pursuant to NRS 62C.035 , ~~and 62E.513,~~ the facility must obtain approval of the method from the Division pursuant to subsection 1.

3. If the Division of Child and Family Services does not approve a method for conducting the screening required pursuant to NRS 62C.035 ~~and 62E.513~~ that is submitted by a local facility for the detention of children , ~~for a regional facility for the detention of children,~~ and the facility does not submit a new method for conducting the screening for approval within 90 days after the denial, the Division of Child and Family Services shall notify the appropriate board of county commissioners or other governing body which administers the facility and the chief judge of the appropriate judicial district that the facility has not received approval of its method for conducting the screening as required by this section.

4. Upon receiving the notice required by subsection 3, the appropriate board of county commissioners or governing body and the chief judge shall take appropriate action to ensure that the facility complies with the requirements of this section and NRS 62C.035 . ~~and 62E.513.~~

5. *Each regional facility for the treatment and rehabilitation of children shall conduct the screening required pursuant to NRS 62E.513 using the assessment tool that has been approved by the Commission pursuant to section 5 of this act.*

6. Each state facility for the detention of children shall use ~~a method~~ *the assessment tool* for conducting the screening required pursuant to NRS 62E.513 ~~that satisfies~~ *selected by the* ~~requirements of paragraphs (a) and (b)~~ *Commission pursuant to section 5 of* ~~subsection 1. The Division of Child and Family Services shall review the method used by each state facility for the detention of children at least once every 5 years to ensure the method used by the facility continues to satisfy the requirements of paragraphs (a) and (b) of subsection 1.~~

~~—6.—~~ *this act.*

7. The Division of Child and Family Services shall adopt such regulations as are necessary to carry out the provisions of this section and

NRS 62C.035 and 62E.513, including, without limitation, regulations prescribing the requirements for:

(a) Transmitting information obtained from the screening conducted pursuant to NRS 62C.035 and 62E.513; and

(b) Protecting the confidentiality of information obtained from such screening.

Sec. 21.5. NRS 62E.520 is hereby amended to read as follows:

62E.520 1. The juvenile court may commit a delinquent child to the custody of the Division of Child and Family Services for ~~{suitable}~~ placement *in a correctional or institutional facility* if:

(a) The child is at least 8 years of age but less than 12 years of age, and the juvenile court finds that the child is in need of placement in a correctional or institutional facility; or

(b) The child is at least 12 years of age but less than 18 years of age, and the juvenile court finds that the child:

(1) Is in need of placement in a correctional or institutional facility; ~~{and}~~ or

(2) Is in need of residential psychiatric services or other residential services for the mental health of the child.

2. Before the juvenile court commits a delinquent child to the custody of the Division of Child and Family Services, the juvenile court shall:

(a) Notify the Division at least 3 working days before the juvenile court holds a hearing to consider such a commitment; and

(b) At the request of the Division, provide the Division with not more than 10 working days within which to:

(1) Investigate the child and the circumstances of the child; and

(2) Recommend a suitable placement to the juvenile court.

Sec. 22. Chapter 62H of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Division of Child and Family Services shall annually analyze the information submitted to the Division pursuant to NRS 62H.210 to determine:*

(a) *Juvenile justice system trends, including, without limitation, referrals to the juvenile justice system, diversion and disposition of cases, levels of supervision provided to children, placement of children and programs and services offered to children;*

(b) *Whether children of racial or ethnic minorities or children from economically disadvantaged backgrounds are receiving disparate treatment in the juvenile justice system;*

(c) *The effectiveness of the different levels of supervision in the juvenile justice system;*

(d) *The effectiveness of services provided by the juvenile justice system, including, without limitation, the effectiveness of the evidence-based standards developed by the Commission pursuant to section 6 of this act; and*

(e) *The rates of recidivism for children either supervised by local juvenile probation departments or committed to the Division.*

2. *On or before January 31 of each year, the Division shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report detailing the information compiled pursuant to subsection 1.*

Sec. 23. NRS 62H.025 is hereby amended to read as follows:

62H.025 1. Juvenile justice information is confidential and may only be released in accordance with the provisions of this section or as expressly authorized by other federal or state law.

2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child or the safety of the public, a juvenile justice agency may release juvenile justice information to:

- (a) A director of juvenile services or his or her designee;
- (b) The Chief of the Youth Parole Bureau or his or her designee;
- (c) *The Chief Parole and Probation Officer or his or her designee;*
- (d) *The Director of the Department of Corrections or his or her designee;*
- (e) A district attorney or his or her designee;
- ~~[(d)]~~ (f) An attorney representing the child;
- ~~[(e)]~~ (g) *The director, chief or sheriff of a state or local law enforcement agency or his or her designee;*
- (h) The director of a state or local agency which administers juvenile justice or his or her designee;
- ~~[(f)]~~ (i) A director of a state ~~[-regional]~~ or local facility for the detention of children or regional facility for the treatment and rehabilitation of children or his or her designee;
- ~~[(g)]~~ (j) The director of an agency which provides child welfare services or his or her designee;
- ~~[(h)]~~ (k) *The director of an agency which provides mental health services or his or her designee;*
- (l) A guardian ad litem or court appointed special advocate who represents the child;
- ~~[(i)]~~ (m) A parent or guardian of the child;
- ~~[(j)]~~ (n) The child to whom the juvenile justice information pertains if the child has reached the age of majority, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;
- ~~[(k)]~~ (o) A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information for a purpose consistent with the purposes of this section;
- ~~[(l)]~~ (p) A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;

~~[(m)]~~ (q) A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; or

~~[(n)]~~ (r) A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order.

3. A juvenile justice agency may deny a request for juvenile justice information if:

(a) The request does not, in accordance with the purposes of this section, demonstrate good cause for the release of the information; or

(b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.

➤ A denial pursuant to this subsection must be made in writing to the person requesting the information not later than 5 business days after receipt of the request.

4. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:

- (a) Educational services;
- (b) Social services;
- (c) Mental health services;
- (d) Medical services; or
- (e) Legal services.

5. Except as otherwise provided in this subsection, any person who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney who uses the information solely for the purpose of initiating legal proceedings; or

(b) A person or organization described in subsection 2 who provides a report concerning juvenile justice information to a court or other party pursuant to this title or chapter 432B of NRS.

6. As used in this section:

(a) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

(b) "Juvenile justice information" means any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

Sec. 24. NRS 62H.200 is hereby amended to read as follows:

62H.200 1. The Division of Child and Family Services shall:

(a) Establish a standardized system for the reporting, collection, analysis, maintenance and retrieval of information concerning juvenile justice in this State.



(b) Be responsible for the retrieval and analysis of the categories of information contained in the standardized system and the development of any reports from that information.

(c) Adopt such regulations as are necessary to carry out the provisions of this section, including requirements for the transmittal of information to the standardized system 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.

*(d) Adopt such regulations as are necessary to implement the performance measures and evidence-based standards developed by the Commission pursuant to sections 5 and 6 of this act.*

2. Each juvenile court and local juvenile probation department and the staff of the youth correctional services, as directed by the Department of Health and Human Services, shall comply with the regulations adopted pursuant to this section.

3. *The Division of Child and Family Services may withhold state money from a juvenile court or department of juvenile services that does not comply with the regulations adopted pursuant to this section. Before any money is withheld, the Division shall:*

*(a) Notify the department of juvenile services of the specific provisions of the regulations adopted pursuant to this section with which the department is not in compliance;*

*(b) Require the department of juvenile services to submit a corrective action plan to the Division within 60 days after receiving such a notice of noncompliance; and*

*(c) If the department of juvenile services does not submit or adhere to a corrective action plan, notify the department that money will be withheld and specify the amount thereof.*

Sec. 25. NRS 62H.210 is hereby amended to read as follows:

62H.210 1. Except as otherwise provided in subsection 3, the standardized system established pursuant to NRS 62H.200 must collect, categorize and maintain the following information from the juvenile courts, local juvenile probation departments, *the staff of regional facilities for the treatment and rehabilitation of children* and the staff of the youth correctional services, as directed by the Department of Health and Human Services, regarding each child referred to the system of juvenile justice in this State:

(a) ~~{A unique number}~~ Any unique identifying information assigned to the child; ~~{for identification.}~~

(b) Basic demographic information regarding the child, including, but not limited to:

- (1) The age, sex and race or other ethnic background of the child;
- (2) The composition of the household in which the child resides; and
- (3) The economic *and educational* background of the child;

(c) The charges for which the child is referred ~~{-}~~ , *including, without limitation, any charges of violations of probation or parole;*

(d) The dates of any detention of the child;

(e) The nature of the disposition of each referral of the child;

(f) The dates any petitions are filed regarding the child, and the charges set forth in those petitions; ~~{-and-}~~

(g) The disposition of any petitions filed regarding the child, including any applicable findings ~~{-}~~ ;

(h) *The assessed risks and needs of the child;*

(i) *The supervision of the child, including, without limitation, whether the child was placed in a residential facility; and*

(j) *Any programs and services provided to the child.*

2. In addition to the information required pursuant to subsection 1 and except as otherwise provided in subsection 3, the Department of Health and Human Services shall require the staff of *regional facilities for the treatment and rehabilitation of children and the staff of the youth correctional services* to collect and transmit the following information to the standardized system regarding each child committed to or otherwise placed in the custody of the Division of Child and Family Services:

(a) A record of each placement of the child, including, but not limited to, the *location and period of each placement and the programs and services* provided to the child during each placement;

(b) *Any disciplinary action taken against the child during the child's placement;*

(c) *Any education or vocational training provided to the child during the child's placement and the educational and employment status of the child after release of the child on parole;*

(d) The dates of each release of the child, including any release of the child on parole;

~~{-e-}~~ (e) If the child is released on parole, the period of each release and the services provided to the child during each release; and

~~{-d-}~~ (f) The nature of or reason for each discharge of the child from the custody of the *regional facility for the treatment and rehabilitation of children or the Division of Child and Family Services.*

3. The information maintained in the standardized system must not include the name or address of any person.

Sec. 26. Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:

*The Youth Parole Bureau shall establish policies and procedures to be used by parole officers and juvenile courts in determining the most appropriate response to a child's violation of the terms and conditions of his or her parole. The policies and procedures must:*

1. *Establish a sliding scale based on the severity of the violation to determine the appropriate response to the child;*

2. *Require that a response to a child's violation of the terms and conditions of his or her parole timely take into consideration:*

(a) *The risk of the child to reoffend, as determined by the results of a risk and needs assessment;*

(b) *The previous history of violations of the child;*

(c) *The severity of the current violation of the child;*

(d) *The child's case plan; and*

(e) *The previous responses by the child to past violations; and*

3. *Include incentives that encourage compliance with the terms and conditions of a child's parole.*

Sec. 27. NRS 63.715 is hereby amended to read as follows:

63.715 1. A county that receives approval to carry out the provisions of NRS 63.700 to 63.780, inclusive, *and section 26 of this act* and an exemption from the assessment imposed pursuant to NRS 62B.165 shall:

(a) Carry out the provisions of NRS 63.700 to 63.780, inclusive ~~and~~, *and section 26 of this act*; and

(b) Appoint a person to act in the place of the Chief of the Youth Parole Bureau in carrying out those provisions.

2. When a person is appointed by the county to act in the place of the Chief of the Youth Parole Bureau pursuant to subsection 1, the person so appointed shall be deemed to be the Chief of the Youth Parole Bureau for the purposes of NRS 63.700 to 63.780, inclusive ~~and~~, *and section 26 of this act*.

Sec. 28. NRS 63.770 is hereby amended to read as follows:

63.770 1. A petition may be filed with the juvenile court to request that the parole of a child be suspended, modified or revoked.

2. Pending a hearing, the juvenile court may order that the child be held in the local ~~for regional~~ facility for the detention of children ~~or committed to the regional facility for the treatment and rehabilitation of children~~.

3. If the child is held in a local ~~for regional~~ facility for the detention of children *or committed to a regional facility for the treatment and rehabilitation of children* pending a hearing, the Youth Parole Bureau may pay all actual and reasonably necessary costs for the confinement of the child in the local ~~for regional~~ facility *or the commitment of the child to the regional facility* to the extent that money is available for that purpose.

4. If requested, the juvenile court shall allow the child reasonable time to prepare for the hearing.

5. The juvenile court shall render a decision within 10 days after the conclusion of the hearing.

6. *The juvenile court shall consider the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 of this act and, in determining whether to suspend, modify or revoke the parole of the child, consider the adherence of the Youth Parole Bureau to such policies and procedures.*

Sec. 29. NRS 63.780 is hereby amended to read as follows:

63.780 1. *The Chief of the Youth Parole Bureau may recommend to the juvenile court that a child's parole be revoked and that the child be committed to a facility only if the Chief or his or her designee has determined that:*

*(a) The child poses a risk to public safety, and the policies and procedures adopted by the Youth Parole Bureau pursuant to section 26 of this act recommend such a revocation; or*

*(b) The other responses set forth in such policies and procedures would not be appropriate for the child.*

2. The Chief of the Youth Parole Bureau may *not* recommend to the juvenile court that a child's parole be revoked and that the child be committed to a facility ~~unless~~ if the superintendent of the facility determines that:

~~{1-}~~ (a) There is not adequate room or resources in the facility to provide the necessary care;

~~{2-}~~ (b) There is not adequate money available for the support of the facility; or

~~{3-}~~ (c) The child is not suitable for admission to the facility.

Sec. 29.5. NRS 354.557 is hereby amended to read as follows:

354.557 "Regional facility" means a facility that is used by each county that levies a tax ad valorem for its operation pursuant to NRS 354.59818 and provides services related to public safety, health or criminal justice. The term includes a regional facility for the ~~{detention}~~ *treatment and rehabilitation* of children for which an assessment is paid pursuant to NRS 62B.160.

Sec. 30. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 31. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 32. The Governor shall appoint the members of the Juvenile Justice Oversight Commission established by section 4 of this act and the Advisory Committee to the Commission established by section 4.5 of this act on or before September 1, 2017.

Sec. 33. NRS 62H.230 is hereby repealed.

Sec. 34. 1. This section and sections 1 to 32, inclusive, of this act become effective on July 1, 2017.

2. Section 33 of this act becomes effective on July 1, 2018.

#### TEXT OF REPEALED SECTION

62H.230 Probation departments to analyze information submitted to standardized system annually and compile reports concerning disparate treatment of children; Division of Child and Family Services to publish reports annually.

1. On or before January 31 of each year, each local juvenile probation department shall:

(a) Analyze the information it submitted to the standardized system during the previous year pursuant to NRS 62H.210 to determine whether children of

racial or ethnic minorities and children from economically disadvantaged homes are receiving disparate treatment in the system of juvenile justice in comparison to the general population;

(b) As necessary, develop appropriate recommendations to address any disparate treatment; and

(c) Prepare and submit to the Division of Child and Family Services a report which includes:

(1) The results of the analysis it conducted pursuant to paragraph (a); and

(2) Any recommendations it developed pursuant to paragraph (b).

2. The Division of Child and Family Services shall annually:

(a) Compile the reports it receives pursuant to subsection 1; and

(b) Publish a document which includes a compilation of the reports.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

This amendment for Assembly Bill No. 472 creates an advisory committee to the Juvenile Justice Oversight Commission and provides for its membership. This amendment was deemed necessary to avoid potential separation of powers issues that may have arisen without this change.

Amendment adopted.

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

Assembly Bill No. 328.

Bill read second time.

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

Amendment No. 1099.

SUMMARY—Revises provisions relating to professional licensing boards. (BDR 54-157)

AN ACT relating to professions; establishing limitations on the employment or retention of attorneys by certain regulatory bodies; requiring attorneys who contract with certain regulatory bodies to act as legal counsel for the regulatory body to carry professional liability insurance that satisfies certain criteria; requiring the Department of Administration to adopt regulations relating to the financial operation and administration of certain regulatory bodies; revising the qualifications for the executive director or executive secretary of certain regulatory bodies; revising the disciplinary process for certain regulatory bodies which administer occupational licensing; revising requirements for certain regulatory bodies of this State to prepare a balance sheet or hire a public accountant or accounting firm to conduct an audit of the body for a fiscal year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally imposes certain requirements on regulatory bodies that regulate professions in this State. (Chapter 622 of NRS) Section 2 of this

bill prohibits an attorney from being employed as legal counsel by more than one regulatory body. Section 2 further requires an attorney who contracts with a regulatory body to act as legal counsel as an independent contractor to carry a policy of professional liability insurance, ~~[that names the State as an additional insured in the insurance policy.]~~ Section 4 of this bill prohibits a person from being employed as an executive director or executive secretary by more than one regulatory body and requires a person employed by a regulatory body as an executive director or executive secretary to be a resident of this State. Section 3 of this bill requires the Department of Administration to adopt regulations that establish standards for the financial operation and administration of regulatory bodies.

Existing law requires regulatory bodies to comply with certain administrative procedures governing the disciplinary process for licensees. (Chapter 622A of NRS) Existing law also provides an exemption for certain regulatory bodies from having to comply with the uniform disciplinary process. (NRS 622A.120) Section 8 of this bill removes the exemption for regulatory bodies that issue professional licenses and are not under the direct supervision of a department of the Executive Branch of State Government. Section 6 of this bill prohibits a deputy attorney general from acting as legal counsel for a regulatory body in a contested case if he or she prosecuted the contested case before the regulatory body. Section 7 of this bill prohibits an attorney who is employed or retained as legal counsel to a regulatory body from prosecuting a contested case before the regulatory body at any time while employed or retained by the regulatory body.

Existing law, with certain exceptions, requires certain regulatory bodies of this State which: (1) receive less than \$75,000 in revenue during a fiscal year to prepare a balance sheet for that fiscal year; or (2) receive \$75,000 or more in revenue during any fiscal year to hire a public accountant or accounting firm to conduct an audit of the regulatory body's fiscal records for that fiscal year. Upon completion of the balance sheet or audit, existing law requires the regulatory body to file the balance sheet or a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. (NRS 218G.400) Section 30.5 of this bill increases from \$75,000 to \$200,000 the amount of revenue received in any fiscal year for the purpose of determining whether a regulatory body is required to prepare a balance sheet or hire a public accountant or accounting firm to conduct the audit and subsequently file a report of the audit with the Legislative Auditor and the Chief of the Budget Division.

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. *Each regulatory body shall contribute to the Fund for Insurance Premiums as required by NRS 331.187.*

2. *If a regulatory body employs an attorney as legal counsel, the attorney may not be employed as legal counsel of another regulatory body.*

3. *If a regulatory body retains an attorney to act as legal counsel for the regulatory body as an independent contractor, the attorney:*

(a) *May contract with more than one regulatory body to act as legal counsel as an independent contractor.*

(b) *Shall obtain or otherwise carry, before acting as legal counsel for a regulatory body, a policy of professional liability insurance which ~~insures~~*

~~(1) insures~~ *insures the attorney against any liability arising from acting as legal counsel for the regulatory body ~~and~~*

~~(2) Names this State as an additional insured in the insurance policy.~~

Sec. 3. *The Department of Administration shall adopt regulations establishing standards for the financial operation and administration of regulatory bodies. The regulations must include, without limitation, provisions which establish the minimum level of professional liability insurance that an attorney who contracts with a regulatory body to act as legal counsel must carry pursuant to subsection 3 of section 2 of this act.*

Sec. 4. NRS 622.220 is hereby amended to read as follows:

622.220 If a regulatory body employs a person as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary, the person:

1. *Must possess a level of education or experience, or a combination of both, to qualify the person to perform the administrative and managerial tasks required of the position;*

2. *Must be a resident of this State;*

3. *Must not be employed by another regulatory body as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary; and*

~~{2.}~~ 4. *Must not be the immediate relative of:*

(a) *A member or employee of the regulatory body; or*

(b) *A licensee of the regulatory body.*

Sec. 5. Chapter 622A of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. *If a deputy attorney general prosecutes a contested case for a regulatory body, he or she may not also act as legal counsel for the regulatory body when the regulatory body considers or makes decisions concerning the contested case.*

Sec. 7. *If a regulatory body employs or retains an attorney to serve as legal counsel for and advise the regulatory body on any and all matters, and the attorney prosecutes a contested case for the regulatory body, the attorney may not also act as legal counsel for the regulatory body when the regulatory body considers or makes a decision regarding the contested case.*

Sec. 8. NRS 622A.120 is hereby amended to read as follows:

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

- ~~(a) State Contractors' Board.~~
- ~~(b) State Board of Professional Engineers and Land Surveyors.~~
- ~~(c) Nevada State Board of Accountancy.~~
- ~~(d) Board of Medical Examiners.~~
- ~~(e) Board of Dental Examiners of Nevada.~~
- ~~(f) State Board of Nursing.~~
- ~~(g) Chiropractic Physicians' Board of Nevada.~~
- ~~(h) Nevada State Board of Optometry.~~
- ~~(i) State Board of Pharmacy.~~
- ~~(j) Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.~~
- ~~(k)~~ Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.
- ~~(l)~~ (b) Commission of Appraisers of Real Estate.
- ~~(m)~~ (c) Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.
- ~~(n)~~ (d) Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.
- ~~(o) Private Investigator's Licensing Board.~~
- ~~(p)~~ (e) State Board of Health and Division of Public and Behavioral Health of the Department of Health and Human Services.

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

Sec. 9. NRS 622A.130 is hereby amended to read as follows:

622A.130 1. The provisions of this chapter must be interpreted so as to effectuate their general purpose to make uniform among the regulatory bodies that are subject to the provisions of this chapter the procedures used to prosecute contested cases and take administrative action against a person who violates any law or regulation governing occupational licensing.

2. To the extent possible, the provisions of this chapter are intended to supplement other statutory provisions governing administrative procedure, occupational licensing and regulatory bodies, and such other provisions must be given effect to the extent that those provisions do not conflict with the provisions of this chapter. If there is a conflict between such other provisions and the provisions of this chapter, the provisions of this chapter control.

3. *The provisions of this chapter do not prohibit a regulatory body from adopting procedures used to prosecute contested cases that:*

(a) *Impose stricter requirements on the regulatory body relating to such prosecution; or*

(b) *Provide greater due process protections for licensees,*  
 ➔ *so long as such procedures do not hinder the duty of the regulatory body to protect the public.*

Sec. 10. (Deleted by amendment.)



Sec. 11. NRS 623.133 is hereby amended to read as follows:

623.133 1. The Attorney General is hereby designated as the legal adviser of the Board.

2. ~~[Nothing]~~ *Subject to the provisions of sections 6 and 7 of this act, nothing* in this section shall be construed so as to prevent the Board from employing legal counsel as provided elsewhere in this chapter.

Sec. 12. NRS 623A.160 is hereby amended to read as follows:

623A.160 The Attorney General is the legal adviser of the Board, but the Board may employ legal counsel ~~to~~ *subject to the provisions of sections 6 and 7 of this act.*

Sec. 13. NRS 628.410 is hereby amended to read as follows:

628.410 1. The Board may initiate proceedings under this chapter:

- (a) On its own motion;
- (b) On the complaint of any person; or
- (c) On a complaint made by a board of accountancy of another state.

2. A written notice of the hearing must be served on the respondent not less than 30 days before the date of the hearing, either personally or by mailing a copy thereof by registered or certified mail to the address of the respondent last known to the Board.

3. If, after having been served with the notice of hearing, the respondent fails to appear at the hearing and defend, the Board may proceed to hear evidence against the respondent and may enter such order as is justified by the evidence. The order is final unless the respondent petitions for a review thereof. Within 30 days after the date of any order, upon a showing of good cause for failing to appear and defend, the Board may reopen the proceedings and may permit the respondent to submit evidence in his or her behalf.

4. At any hearing, a respondent may be represented before the Board by counsel or by a certified public accountant or registered public accountant of this State in good standing. The respondent is entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his or her behalf.

5. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents. In case of disobedience to a subpoena, the Board may invoke the aid of any court of this State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

6. A hearing may be conducted by:

(a) The Board, less any member or members who have been disqualified, without the appointment of persons to hear the case in place of the disqualified members; or

(b) A member of the Board appointed by the Board as a hearing officer, with the remaining members of the Board, less any member or members who have been disqualified, to review the record, make a final decision and issue the order,

↪ unless the Board, after disqualifications, consists of less than three members to hear or review the case, in which circumstance the Governor must appoint one or more qualified persons so that the panel which hears or reviews the case consists of at least three persons.

7. A stenographic record of the hearing must be kept and a transcript thereof filed with the Board.

8. At all hearings, the Attorney General or a deputy designated by the Attorney General or such other legal counsel as may be employed shall appear and represent the Board ~~[-]~~ *subject to the provisions of sections 6 and 7 of this act.*

9. The decision of the Board must be by majority vote thereof.

Sec. 14. NRS 630.346 is hereby amended to read as follows:

630.346 In any disciplinary hearing:

1. The Board, a panel of the members of the Board and a hearing officer are not bound by formal rules of evidence , *except that evidence must be taken and considered in the hearing pursuant to NRS 233B.123*, and a witness must not be barred from testifying solely because the witness was or is incompetent.

2. A finding of the Board must be supported by a preponderance of the evidence.

3. Proof of actual injury need not be established.

4. A certified copy of the record of a court or a licensing agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a license to practice medicine, perfusion or respiratory care is conclusive evidence of its occurrence.

Sec. 15. NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the Board, other than a member of an investigative committee of the Board who participated in any determination regarding a formal complaint in the matter or any member serving on a panel of the Board at the hearing of the matter, may participate in an adjudication to obtain the final order of the Board. At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:

(a) Counsel for the Board to present a disciplinary recommendation and argument in support of the disciplinary recommendation ~~[-]~~ *subject to the provisions of sections 6 and 7 of this act;*

(b) The respondent or counsel of the respondent to present a disciplinary recommendation and argument in support of the disciplinary recommendation; and

(c) The complainant in the matter to make a statement to the Board regarding the disciplinary recommendations by the parties and to address the effect of the respondent's conduct upon the complainant or the patient involved, if other than the complainant.

↪ The Board may limit the time within which the parties and the complainant may make their arguments and statements.

2. At the conclusion of the presentations of the parties and the complainant, the Board shall deliberate and may by a majority vote impose discipline based upon the findings of fact and conclusions of law and the presentations of the parties and the complainant.

3. If, in the findings of fact and conclusions of law, the Board, hearing officer or panel of the Board determines that no violation has occurred, the Board shall dismiss the charges, in writing, and notify the respondent that the charges have been dismissed.

4. Except as otherwise provided in subsection 5, if the Board finds that a violation has occurred, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer a written public reprimand to the person;

(c) Limit the person's practice or exclude one or more specified branches of medicine from his or her practice;

(d) Suspend the person's license for a specified period or until further order of the Board;

(e) Revoke the person's license;

(f) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment;

(g) Require supervision of the person's practice;

(h) Impose a fine not to exceed \$5,000 for each violation;

(i) Require the person to perform community service without compensation;

(j) Require the person to take a physical or mental examination or an examination testing his or her competence; and

(k) Require the person to fulfill certain training or educational requirements.

5. If the Board finds that the respondent has violated the provisions of NRS 439B.425, the Board shall suspend the respondent's license for a specified period or until further order of the Board.

6. The Board shall not administer a private reprimand if the Board finds that a violation has occurred.

7. Within 30 days after the hearing before the Board, the Board shall issue a final order, certified by the Secretary-Treasurer of the Board, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 16. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter. ~~[Notwithstanding the provisions of this subsection, the Attorney General in his or her sole discretion may, but is not required to, serve as legal counsel for the Board at any time and in any and all matters.]~~

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry and dental hygiene.

4. Examine applicants for licenses to practice dentistry and dental hygiene.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 17. NRS 636.090 is hereby amended to read as follows:

636.090 1. The Board may employ:

(a) Agents and inspectors to secure evidence of, and report on, violations of this chapter.

(b) Attorneys, investigators and other professional consultants and clerical personnel necessary to administer this chapter.

2. The Attorney General may act as counsel for the Board ~~[ ]~~ *subject to the provisions of section 6 of this act.*

Sec. 18. NRS 636.330 is hereby amended to read as follows:

636.330 If the Board makes a decision which is adverse to the licensee, the licensee may apply for a rehearing within ~~[10]~~ 15 days after the Board announces its decision. The Board shall grant or deny the application within a reasonable time thereafter.

Sec. 19. NRS 636.340 is hereby amended to read as follows:

636.340 Unless a license is suspended pursuant to NRS 425.540, on or after the expiration of ~~[6 months]~~ 1 year following the revocation or suspension of a license, an application may be made for the restoration of the license and the Board may, in the exercise of reasonable discretion, restore the license absolutely or upon specified conditions.

Sec. 19.5. NRS 639.070 is hereby amended to read as follows:

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ ~~an attorney,~~ attorneys, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 20. NRS 639.252 is hereby amended to read as follows:

639.252 1. If the respondent wishes to contest or appeal the decision of the Board, the order or any part thereof, the respondent may, not later than ~~{40}~~ 15 days after the time the order becomes effective, apply in writing to the Board for a rehearing. The application must set forth with particularity the part or parts of the decision or order to which the respondent objects and the basis of the objection.

2. The Executive Secretary of the Board shall, within 10 days after receipt of a written application for rehearing, notify the respondent and the respondent's attorney of record in writing, by registered or certified mail, of his or her action, either granting or denying the application. If the application is granted, the notice must contain the date, time and place of the rehearing. The rehearing must be held at the next regularly scheduled meeting of the Board. Granting of the application by the Executive Secretary does not serve as an automatic stay of execution of the order pending conclusion of the rehearing.

Sec. 21. NRS 640C.190 is hereby amended to read as follows:

640C.190 *Subject to the provisions of sections 6 and 7 of this act:*

1. The Attorney General and his or her deputies are hereby designated as the attorneys for the Board.

2. The provisions of this section do not prevent the Board from employing or retaining other attorneys as it may deem necessary to carry out the provisions of this chapter.

Sec. 22. NRS 641A.370 is hereby amended to read as follows:

641A.370 If the Board revokes or suspends a license for a fixed time, the licensee may apply for a rehearing within ~~{40}~~ 15 days after the date of the suspension or revocation and the Board may grant the application upon the terms and conditions it deems appropriate within 30 days after the application.

Sec. 23. NRS 645A.193 is hereby amended to read as follows:

645A.193 1. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter.

2. *Notwithstanding the provision of paragraph (c) of subsection 1 of NRS 622A.120, representation of the Division pursuant to subsection 1 shall be conducted in a manner consistent with the provisions of sections 6 and 7 of this act.*

Sec. 24. NRS 645A.235 is hereby amended to read as follows:

645A.235 1. A person who engages in an activity for which a license as an escrow agent or escrow agency is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~((m))~~ (c) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 25. NRS 645B.955 is hereby amended to read as follows:

645B.955 1. A person who engages in an activity for which a license as a mortgage broker or mortgage agent is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~((m))~~ (c) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 26. NRS 645C.250 is hereby amended to read as follows:

645C.250 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division or the Commission.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[-]~~ *subject to the provisions of sections 6 and 7 of this act.*

Sec. 27. NRS 645D.150 is hereby amended to read as follows:

645D.150 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[-]~~ *subject to the provisions of sections 6 and 7 of this act.*

Sec. 28. NRS 645E.955 is hereby amended to read as follows:

645E.955 1. A person who engages in an activity for which a license as a mortgage banker is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[(m)]~~ (c) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 29. NRS 645H.370 is hereby amended to read as follows:

645H.370 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[-]~~ *subject to the provisions of sections 6 and 7 of this act.*

Sec. 30. (Deleted by amendment.)

Sec. 30.5. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than ~~[\$75,000]~~ \$200,000 for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is ~~[\$75,000]~~ \$200,000 or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in



accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 31. This act becomes effective on ~~July~~ October 1, 2017.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

The amendment to Assembly Bill No. 328 deletes the requirement for an attorney who contracts with a regulatory body to act as a legal counsel as an independent contractor to carry a policy of professional liability insurance that names the State as an additional insured in the insurance policy and changes the effective date of the bill to October 1, 2017.

Amendment adopted.

Amendment No. 1104.

By Senator Atkinson.

SUMMARY—Revises provisions relating to professional licensing boards. (BDR 54-157)

AN ACT relating to professions; establishing limitations on the employment or retention of attorneys by certain regulatory bodies; requiring attorneys who contract with certain regulatory bodies to act as legal counsel for the regulatory body to carry professional liability insurance that satisfies certain criteria; requiring the Department of Administration to adopt regulations relating to the financial operation and administration of certain regulatory bodies; revising the qualifications for the executive director or executive secretary of certain regulatory bodies; revising the disciplinary

process for certain regulatory bodies which administer occupational licensing; revising requirements for certain regulatory bodies of this State to prepare a balance sheet or hire a public accountant or accounting firm to conduct an audit of the body for a fiscal year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally imposes certain requirements on regulatory bodies that regulate professions in this State. (Chapter 622 of NRS) Section 2 of this bill prohibits an attorney from being employed as legal counsel by more than one regulatory body. Section 2 further requires an attorney who contracts with a regulatory body to act as legal counsel as an independent contractor to carry a policy of professional liability insurance that names the State as an additional insured in the insurance policy. Section 4 of this bill prohibits a person from being employed as an executive director or executive secretary by more than one regulatory body and requires a person employed by a regulatory body as an executive director or executive secretary to be a resident of this State. Section 3 of this bill requires the Department of Administration to adopt regulations that establish standards for the financial operation and administration of regulatory bodies.

Existing law requires regulatory bodies to comply with certain administrative procedures governing the disciplinary process for licensees. (Chapter 622A of NRS) Existing law also provides an exemption for certain regulatory bodies from having to comply with the uniform disciplinary process. (NRS 622A.120) Section 8 of this bill removes the exemption for regulatory bodies that issue professional licenses and are not under the direct supervision of a department of the Executive Branch of State Government. ~~It~~ , except that the State Contractors' Board would continue to be exempt from the uniform disciplinary process. Section 6 of this bill prohibits a deputy attorney general from acting as legal counsel for a regulatory body in a contested case if he or she prosecuted the contested case before the regulatory body. Section 7 of this bill prohibits an attorney who is employed or retained as legal counsel to a regulatory body from prosecuting a contested case before the regulatory body at any time while employed or retained by the regulatory body.

Existing law, with certain exceptions, requires certain regulatory bodies of this State which: (1) receive less than \$75,000 in revenue during a fiscal year to prepare a balance sheet for that fiscal year; or (2) receive \$75,000 or more in revenue during any fiscal year to hire a public accountant or accounting firm to conduct an audit of the regulatory body's fiscal records for that fiscal year. Upon completion of the balance sheet or audit, existing law requires the regulatory body to file the balance sheet or a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. (NRS 218G.400) Section 30.5 of this bill increases from \$75,000 to \$200,000 the amount of revenue received in any fiscal year for the purpose of

determining whether a regulatory body is required to prepare a balance sheet or hire a public accountant or accounting firm to conduct the audit and subsequently file a report of the audit with the Legislative Auditor and the Chief of the Budget Division.

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. Each regulatory body shall contribute to the Fund for Insurance Premiums as required by NRS 331.187.*

*2. If a regulatory body employs an attorney as legal counsel, the attorney may not be employed as legal counsel of another regulatory body.*

*3. If a regulatory body retains an attorney to act as legal counsel for the regulatory body as an independent contractor, the attorney:*

*(a) May contract with more than one regulatory body to act as legal counsel as an independent contractor.*

*(b) Shall obtain or otherwise carry, before acting as legal counsel for a regulatory body, a policy of professional liability insurance which:*

*(1) Insures the attorney against any liability arising from acting as legal counsel for the regulatory body; and*

*(2) Names this State as an additional insured in the insurance policy.*

Sec. 3. *The Department of Administration shall adopt regulations establishing standards for the financial operation and administration of regulatory bodies. The regulations must include, without limitation, provisions which establish the minimum level of professional liability insurance that an attorney who contracts with a regulatory body to act as legal counsel must carry pursuant to subsection 3 of section 2 of this act.*

Sec. 4. NRS 622.220 is hereby amended to read as follows:

622.220 If a regulatory body employs a person as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary, the person:

1. Must possess a level of education or experience, or a combination of both, to qualify the person to perform the administrative and managerial tasks required of the position;

2. *Must be a resident of this State;*

3. *Must not be employed by another regulatory body as an executive director or executive secretary or in a position with powers and duties similar to those of an executive director or executive secretary; and*

~~{2-}~~ 4. Must not be the immediate relative of:

(a) A member or employee of the regulatory body; or

(b) A licensee of the regulatory body.

Sec. 5. Chapter 622A of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. *If a deputy attorney general prosecutes a contested case for a regulatory body, he or she may not also act as legal counsel for the*

*regulatory body when the regulatory body considers or makes decisions concerning the contested case.*

Sec. 7. *If a regulatory body employs or retains an attorney to serve as legal counsel for and advise the regulatory body on any and all matters, and the attorney prosecutes a contested case for the regulatory body, the attorney may not also act as legal counsel for the regulatory body when the regulatory body considers or makes a decision regarding the contested case.*

Sec. 8. NRS 622A.120 is hereby amended to read as follows:

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

- (a) State Contractors' Board.
- ~~(b) State Board of Professional Engineers and Land Surveyors.~~
- ~~(c) Nevada State Board of Accountancy.~~
- ~~(d) Board of Medical Examiners.~~
- ~~(e) Board of Dental Examiners of Nevada.~~
- ~~(f) State Board of Nursing.~~
- ~~(g) Chiropractic Physicians' Board of Nevada.~~
- ~~(h) Nevada State Board of Optometry.~~
- ~~(i) State Board of Pharmacy.~~
- ~~(j) Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.~~
- ~~(k) Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.~~
- ~~(l) (b) (c) Commission of Appraisers of Real Estate.~~
- ~~(m) (e) (d) Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.~~
- ~~(n) (d) (e) Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.~~
- ~~(o) Private Investigator's Licensing Board.~~
- ~~(p) (e) (f) State Board of Health and Division of Public and Behavioral Health of the Department of Health and Human Services.~~

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

Sec. 9. NRS 622A.130 is hereby amended to read as follows:

622A.130 1. The provisions of this chapter must be interpreted so as to effectuate their general purpose to make uniform among the regulatory bodies that are subject to the provisions of this chapter the procedures used to prosecute contested cases and take administrative action against a person who violates any law or regulation governing occupational licensing.

2. To the extent possible, the provisions of this chapter are intended to supplement other statutory provisions governing administrative procedure, occupational licensing and regulatory bodies, and such other provisions must be given effect to the extent that those provisions do not conflict with the

provisions of this chapter. If there is a conflict between such other provisions and the provisions of this chapter, the provisions of this chapter control.

3. *The provisions of this chapter do not prohibit a regulatory body from adopting procedures used to prosecute contested cases that:*

(a) *Impose stricter requirements on the regulatory body relating to such prosecution; or*

(b) *Provide greater due process protections for licensees,*

➔ *so long as such procedures do not hinder the duty of the regulatory body to protect the public.*

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 623.133 is hereby amended to read as follows:

623.133 1. The Attorney General is hereby designated as the legal adviser of the Board.

2. ~~Nothing~~ *Subject to the provisions of sections 6 and 7 of this act, nothing* in this section shall be construed so as to prevent the Board from employing legal counsel as provided elsewhere in this chapter.

Sec. 12. NRS 623A.160 is hereby amended to read as follows:

623A.160 The Attorney General is the legal adviser of the Board, but the Board may employ legal counsel ~~to~~ *subject to the provisions of sections 6 and 7 of this act.*

Sec. 13. NRS 628.410 is hereby amended to read as follows:

628.410 1. The Board may initiate proceedings under this chapter:

(a) On its own motion;

(b) On the complaint of any person; or

(c) On a complaint made by a board of accountancy of another state.

2. A written notice of the hearing must be served on the respondent not less than 30 days before the date of the hearing, either personally or by mailing a copy thereof by registered or certified mail to the address of the respondent last known to the Board.

3. If, after having been served with the notice of hearing, the respondent fails to appear at the hearing and defend, the Board may proceed to hear evidence against the respondent and may enter such order as is justified by the evidence. The order is final unless the respondent petitions for a review thereof. Within 30 days after the date of any order, upon a showing of good cause for failing to appear and defend, the Board may reopen the proceedings and may permit the respondent to submit evidence in his or her behalf.

4. At any hearing, a respondent may be represented before the Board by counsel or by a certified public accountant or registered public accountant of this State in good standing. The respondent is entitled, on application to the Board, to the issuance of subpoenas to compel the attendance of witnesses on his or her behalf.

5. The Board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents. In case of disobedience to a subpoena, the Board may invoke the aid of any court of

this State in requiring the attendance and testimony of witnesses and the production of documentary evidence.

6. A hearing may be conducted by:

(a) The Board, less any member or members who have been disqualified, without the appointment of persons to hear the case in place of the disqualified members; or

(b) A member of the Board appointed by the Board as a hearing officer, with the remaining members of the Board, less any member or members who have been disqualified, to review the record, make a final decision and issue the order,

↪ unless the Board, after disqualifications, consists of less than three members to hear or review the case, in which circumstance the Governor must appoint one or more qualified persons so that the panel which hears or reviews the case consists of at least three persons.

7. A stenographic record of the hearing must be kept and a transcript thereof filed with the Board.

8. At all hearings, the Attorney General or a deputy designated by the Attorney General or such other legal counsel as may be employed shall appear and represent the Board ~~[-]~~ *subject to the provisions of sections 6 and 7 of this act.*

9. The decision of the Board must be by majority vote thereof.

Sec. 14. NRS 630.346 is hereby amended to read as follows:

630.346 In any disciplinary hearing:

1. The Board, a panel of the members of the Board and a hearing officer are not bound by formal rules of evidence , *except that evidence must be taken and considered in the hearing pursuant to NRS 233B.123*, and a witness must not be barred from testifying solely because the witness was or is incompetent.

2. A finding of the Board must be supported by a preponderance of the evidence.

3. Proof of actual injury need not be established.

4. A certified copy of the record of a court or a licensing agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a license to practice medicine, perfusion or respiratory care is conclusive evidence of its occurrence.

Sec. 15. NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the Board, other than a member of an investigative committee of the Board who participated in any determination regarding a formal complaint in the matter or any member serving on a panel of the Board at the hearing of the matter, may participate in an adjudication to obtain the final order of the Board. At the adjudication, the Board shall consider any findings of fact and conclusions of law submitted after the hearing and shall allow:

(a) Counsel for the Board to present a disciplinary recommendation and argument in support of the disciplinary recommendation ~~to~~ *subject to the provisions of sections 6 and 7 of this act*;

(b) The respondent or counsel of the respondent to present a disciplinary recommendation and argument in support of the disciplinary recommendation; and

(c) The complainant in the matter to make a statement to the Board regarding the disciplinary recommendations by the parties and to address the effect of the respondent's conduct upon the complainant or the patient involved, if other than the complainant.

➡ The Board may limit the time within which the parties and the complainant may make their arguments and statements.

2. At the conclusion of the presentations of the parties and the complainant, the Board shall deliberate and may by a majority vote impose discipline based upon the findings of fact and conclusions of law and the presentations of the parties and the complainant.

3. If, in the findings of fact and conclusions of law, the Board, hearing officer or panel of the Board determines that no violation has occurred, the Board shall dismiss the charges, in writing, and notify the respondent that the charges have been dismissed.

4. Except as otherwise provided in subsection 5, if the Board finds that a violation has occurred, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer a written public reprimand to the person;

(c) Limit the person's practice or exclude one or more specified branches of medicine from his or her practice;

(d) Suspend the person's license for a specified period or until further order of the Board;

(e) Revoke the person's license;

(f) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment;

(g) Require supervision of the person's practice;

(h) Impose a fine not to exceed \$5,000 for each violation;

(i) Require the person to perform community service without compensation;

(j) Require the person to take a physical or mental examination or an examination testing his or her competence; and

(k) Require the person to fulfill certain training or educational requirements.

5. If the Board finds that the respondent has violated the provisions of NRS 439B.425, the Board shall suspend the respondent's license for a specified period or until further order of the Board.

6. The Board shall not administer a private reprimand if the Board finds that a violation has occurred.

7. Within 30 days after the hearing before the Board, the Board shall issue a final order, certified by the Secretary-Treasurer of the Board, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 16. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter. ~~[Notwithstanding the provisions of this subsection, the Attorney General in his or her sole discretion may, but is not required to, serve as legal counsel for the Board at any time and in any and all matters.]~~

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry and dental hygiene.

4. Examine applicants for licenses to practice dentistry and dental hygiene.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 17. NRS 636.090 is hereby amended to read as follows:

636.090 1. The Board may employ:

(a) Agents and inspectors to secure evidence of, and report on, violations of this chapter.

(b) Attorneys, investigators and other professional consultants and clerical personnel necessary to administer this chapter.

2. The Attorney General may act as counsel for the Board ~~+~~ *subject to the provisions of section 6 of this act.*



Sec. 18. NRS 636.330 is hereby amended to read as follows:

636.330 If the Board makes a decision which is adverse to the licensee, the licensee may apply for a rehearing within ~~{10}~~ 15 days after the Board announces its decision. The Board shall grant or deny the application within a reasonable time thereafter.

Sec. 19. NRS 636.340 is hereby amended to read as follows:

636.340 Unless a license is suspended pursuant to NRS 425.540, on or after the expiration of ~~{6 months}~~ 1 year following the revocation or suspension of a license, an application may be made for the restoration of the license and the Board may, in the exercise of reasonable discretion, restore the license absolutely or upon specified conditions.

Sec. 19.5. NRS 639.070 is hereby amended to read as follows:

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ ~~{an attorney,}~~ attorneys, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 20. NRS 639.252 is hereby amended to read as follows:

639.252 1. If the respondent wishes to contest or appeal the decision of the Board, the order or any part thereof, the respondent may, not later than ~~{40}~~ 15 days after the time the order becomes effective, apply in writing to the Board for a rehearing. The application must set forth with particularity the part or parts of the decision or order to which the respondent objects and the basis of the objection.

2. The Executive Secretary of the Board shall, within 10 days after receipt of a written application for rehearing, notify the respondent and the respondent's attorney of record in writing, by registered or certified mail, of his or her action, either granting or denying the application. If the application is granted, the notice must contain the date, time and place of the rehearing. The rehearing must be held at the next regularly scheduled meeting of the Board. Granting of the application by the Executive Secretary does not serve as an automatic stay of execution of the order pending conclusion of the rehearing.

Sec. 21. NRS 640C.190 is hereby amended to read as follows:

640C.190 *Subject to the provisions of sections 6 and 7 of this act:*

1. The Attorney General and his or her deputies are hereby designated as the attorneys for the Board.

2. The provisions of this section do not prevent the Board from employing or retaining other attorneys as it may deem necessary to carry out the provisions of this chapter.

Sec. 22. NRS 641A.370 is hereby amended to read as follows:

641A.370 If the Board revokes or suspends a license for a fixed time, the licensee may apply for a rehearing within ~~{40}~~ 15 days after the date of the suspension or revocation and the Board may grant the application upon the terms and conditions it deems appropriate within 30 days after the application.

Sec. 23. NRS 645A.193 is hereby amended to read as follows:

645A.193 1. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter.

2. *Notwithstanding the provision of paragraph ~~{(e)}~~ (d) of subsection 1 of NRS 622A.120, representation of the Division pursuant to subsection 1 shall be conducted in a manner consistent with the provisions of sections 6 and 7 of this act.*

Sec. 24. NRS 645A.235 is hereby amended to read as follows:

645A.235 1. A person who engages in an activity for which a license as an escrow agent or escrow agency is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~{(m)—(e)}~~ (d) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 25. NRS 645B.955 is hereby amended to read as follows:

645B.955 1. A person who engages in an activity for which a license as a mortgage broker or mortgage agent is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~{(m)—(e)}~~ (d) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 26. NRS 645C.250 is hereby amended to read as follows:

645C.250 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division or the Commission.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~{-}~~ *subject to the provisions of sections 6 and 7 of this act.*

Sec. 27. NRS 645D.150 is hereby amended to read as follows:

645D.150 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[-] subject to the provisions of sections 6 and 7 of this act.~~

Sec. 28. NRS 645E.955 is hereby amended to read as follows:

645E.955 1. A person who engages in an activity for which a license as a mortgage banker is required pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph ~~[(m)-(e)] (d)~~ of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 29. NRS 645H.370 is hereby amended to read as follows:

645H.370 1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter ~~[-] subject to the provisions of sections 6 and 7 of this act.~~

Sec. 30. (Deleted by amendment.)

Sec. 30.5. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than ~~[\$75,000]~~ \$200,000 for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is ~~[\$75,000]~~ \$200,000 or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 31. This act becomes effective on July 1, 2017.

Senator Atkinson moves to adopt the amendment.

Remarks by Senator Atkinson.

The amendment to Assembly Bill No. 328 retains the exemption for the State Contractors' Board from the provisions of chapter 622 of *Nevada Revised Statutes*.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Assembly Bill No. 474.

Bill read third time.

Remarks by Senator Spearman.

Assembly Bill No. 474 makes various changes related to prescribing and dispensing controlled substances. Specifically, it revises certain provisions concerning the prescription drug monitoring program (PDMP), authorizing certain occupational licensing boards to access the PDMP database and requiring them to review and evaluate certain information and impose disciplinary action. Occupational licensing boards may suspend the authority of a practitioner to prescribe, administer or dispense a controlled substance in certain circumstances. In addition, the bill revises various provisions governing the accessibility of health-care records in certain investigations.

Assembly Bill No. 474 requires a practitioner, other than a veterinarian, who intends to prescribe or dispense a controlled substance listed in schedule II, III or IV to consider certain factors, take certain actions and document certain information before initiating such a prescription. Additionally, it revises the information that must be included on certain written prescriptions and requires certain individuals to report a drug overdose or suspected drug overdose to the Chief Medical Officer.

Roll call on Assembly Bill No. 474:

YEAS—20.

NAYS—None.

EXCUSED—Gansert.

Assembly Bill No. 474 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 394.

The following Assembly amendment was read:

Amendment No. 1058.

SUMMARY—Revises provisions relating to health insurance.  
(BDR 57-950)

AN ACT relating to health insurance; requiring health maintenance organizations to provide certain data relating to health insurance claims to the person responsible for overseeing the health care plan of certain group purchasers of health insurance upon request; prohibiting the further disclosure of such data except in certain circumstances; requiring the Commissioner of Insurance to impose an administrative penalty against a person who engages in the unauthorized disclosure of such data; requiring the Legislative Committee on Health Care to study certain issues relating to health care during the 2017-2018 interim; providing a penalty; and providing

other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~HH~~ 1.3 of this bill requires a health maintenance organization which provides a health care plan to certain large employers or multiple employer trusts to provide to the person responsible for overseeing the health care plan for the employer or trust upon request, not more than once every ~~[3 months]~~ year, either: (1) all claims data relating to the enrollees of the health care plan; or (2) sufficient data for the employer or trust to calculate the cost of providing certain medical services through the health maintenance organization. Section ~~HH~~ 1.3 requires such data to: (1) be free of any personally identifiable information; (2) comply with all other federal and state laws concerning privacy; and (3) be easily accessible. Section ~~HH~~ 1.3 also requires a health maintenance organization to prepare and provide, under certain circumstances, an annual report relating to the cost and percentage trends in such data. Section 1.6 of this bill prohibits the further disclosure of data provided pursuant to section 1.3 to any person other than a person responsible for making decisions about the health care plan, except as otherwise authorized by the health maintenance organization that provided the data or ordered by a court. Section 1.6 also establishes a schedule of administrative and criminal penalties to be imposed against a person who engages in unauthorized disclosure of such data. The penalty imposed depends on the culpability of the person who disclosed the data, the nature and extent of the disclosure and the harm caused by the disclosure.

Section 2 of this bill requires the Legislative Committee on Health Care to study certain issues relating to: (1) making a program similar to the Medicaid managed care program which is currently available to certain low-income persons in this State available to persons who are not eligible for Medicaid; and (2) ensuring the same level of health insurance coverage which is currently available in this State pursuant to the Patient Protection and Affordable Care Act (Public Law 111-148, as amended) is maintained if the Affordable Care Act is repealed by Congress. Section 2 requires the Legislative Committee on Health Care to submit a report relating to these issues to the Director of the Legislative Counsel Bureau by not later than September 1, 2018.

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

Section 1. Chapter 695C of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.6 of this act.

*Sec. 1.3. 1. ~~[Except as otherwise provided in subsection 4, not more than once every 3 months.]~~ Notwithstanding any other provision of law that provides for the confidentiality of the information described in this section, a health maintenance organization shall, except as otherwise provided in subsection 4, provide to the person responsible for overseeing the health*

care plan for a group purchaser upon written request from that person ~~for~~  
not more than once each year:

(a) All claims data relating to the enrollees in a health care plan provided by the health maintenance organization pursuant to a contract with the group purchaser; or

(b) Sufficient data relating to the claims of enrollees in the health care plan to allow the group purchaser to calculate the cost-effectiveness of the benefits provided by the health maintenance organization. Such data must include, without limitation:

(1) Data necessary to calculate the actual cost of obtaining medical services through the health maintenance organization, organized by medical service and category of disease;

(2) Data relating to enrollees in the health care plan who receive care, including, without limitation, demographics of such enrollees, prescriptions, office visits with a provider of health care, inpatient services and outpatient services, as used by the health maintenance organization to make calculations which are required to comply with the risk adjustment, reinsurance and risk corridor requirements of 42 U.S.C. §§ 18061, 18062 and 18063; and

(3) Such data as used to establish an experience rating for the enrollees in the health care plan, including, without limitation, coding relating to diagnostics and procedures, the total cost charged to any person for each drug, device or service made available by the health care plan and all reimbursements made to a provider of health care for such drugs, devices or services.

2. If a written request is made pursuant to subsection 1, the health maintenance organization must also provide an annual report relating to the ~~quarterly~~ data required to be made available pursuant to subsection 1, which must include, without limitation, sufficient detail to demonstrate the annual changes in the cost and the percentage of increase or decrease, as applicable, for each category of information made available pursuant to subsection 1.

3. A health maintenance organization shall provide the data required by this section in an aggregated form which complies with federal and state law, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable regulations.

4. Before providing any data pursuant to subsection 1, a health maintenance organization shall ensure that a professional statistician examines the data to confirm that such data cannot be used to identify and does not provide a reasonable basis upon which to identify a person whose information is included in the report. If the professional statistician is not able to make such a confirmation, the data must not be provided by the health maintenance organization until such confirmation is obtained.



5. A health maintenance organization must provide the data required by this section in a format which is easily searchable electronically or on a secure Internet website. A health maintenance organization may only provide the data described in this section relating to the health care plan of a group purchaser to the person responsible for overseeing the health care plan for the group purchaser and not relating to the health care plan of any other group purchaser.

6. A group purchaser must have policies and procedures in place which are compliant with federal law, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto, and the laws of this State to ensure the privacy and security of the data made available to the person responsible for overseeing the health care plan for a group purchaser pursuant to this section.

7. As used in this section, "group purchaser" means:

(a) An employer that employs at least 1,000 employees, at least 300 of whom are enrolled in a health care plan which is offered by a health maintenance organization; or

(b) A group of employers that cumulatively employ at least 500 employees and which has formed a trust for the purpose of funding health care benefits for at least 300 employees who are enrolled in a health care plan which is offered by a health maintenance organization.

Sec. 1.6. 1. Except as otherwise provided in subsection 2:

(a) A person responsible for overseeing a health care plan for a group purchaser shall not disclose data made available to the person pursuant to section 1.3 of this act to any other person except for a person responsible for making decisions about the health care plan.

(b) A person responsible for making decisions about a health care plan for a group purchaser shall not further disclose data disclosed to the person pursuant to paragraph (a) to any other person except for another person responsible for making decisions about the health care plan.

2. A person described in subsection 1 may disclose data made available to the person pursuant to that subsection or section 1.3 of this act to another person not described in that subsection if:

(a) The health maintenance organization that provided the data agrees to the disclosure; or

(b) The disclosure is ordered by a court of competent jurisdiction.

3. Except as otherwise provided in subsections 4 to 7, inclusive, the Commissioner shall impose against any person who violates the requirements of this section:

(a) If the person did not know of the violation and would not have known about the violation if he or she had exercised reasonable diligence, an administrative penalty of not less than \$100 and not more than \$50,000 per violation.

(b) If the person knew of the violation or should have known about the violation if he or she had exercised reasonable diligence but the violation is not due to willful neglect, an administrative penalty of not less than \$1,000 and not more than \$50,000 per violation.

(c) If the violation is due to willful neglect, an administrative penalty of \$50,000 per violation.

4. If a person who violates the requirements of this section corrects the violation not later than 30 days after the person knew of the violation or should have known of the violation if he or she had exercised reasonable diligence, or another date determined by the Commissioner, the Commissioner:

(a) Shall not impose an administrative penalty if the violation is not due to willful neglect.

(b) Except as otherwise provided in subsection 5, shall impose an administrative penalty of not less than \$10,000 and not more than \$50,000 per violation if the violation is due to willful neglect.

5. Administrative penalties imposed pursuant to this section against a person must not exceed \$1,500,000 in a calendar year.

6. The Commissioner:

(a) Shall make a determination of the amount of an administrative penalty imposed pursuant to this section based upon the nature and extent of the violation and the harm resulting from the violation; and

(b) May reduce any administrative penalty imposed for a violation of the requirements of this section, other than a violation due to willful neglect, if the Commissioner determines that the amount prescribed by subsection 3 is excessive.

7. The Commissioner shall not impose an administrative penalty for a violation for which a penalty has been imposed pursuant to subsection 8.

8. Any person who knowingly violates the requirements of this section:

(a) Except as otherwise provided in paragraphs (b) and (c), is guilty of a gross misdemeanor and may be fined not more than \$50,000.

(b) If the violation is committed under false pretenses, is guilty of a category C felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$100,000.

(c) If the violation is committed with intent to sell, transfer or use the data for commercial advantage, personal gain or malicious harm, 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 \$250,000.

Sec. 2. 1. The Legislative Committee on Health Care shall, during the 2017-2018 interim, study opportunities for:

(a) The establishment of a program similar to the Medicaid managed care program authorized by NRS 422.273 to be made available through the Silver

State Health Insurance Exchange established by NRS 695I.200 to a person who is otherwise ineligible for Medicaid;

(b) A person who is determined eligible for advance payments of the premium tax credit and cost-sharing reductions pursuant to 45 C.F.R. § 155.305 to use such credits and reductions to pay for coverage obtained through the program described in paragraph (a); and

(c) The Nevada Legislature to ensure the current level of health insurance coverage provided in this State pursuant to the Patient Protection and Affordable Care Act, Public Law 111-148, as it existed on the effective date of this act, is maintained if the Affordable Care Act is repealed by Congress.

2. The Legislative Committee on Health Care shall conduct the study required pursuant to subsection 1 in consultation with:

(a) The Department of Health and Human Services;

(b) The Division of Insurance of the Department of Business and Industry;

(c) The Silver State Health Insurance Exchange; and

(d) Any other entity identified by the Committee which has expertise in the topics listed in subsection 1.

3. The Legislative Committee on Health Care shall submit a report of the results of the study required pursuant to subsection 1 and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the Legislature not later than September 1, 2018.

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

Senator Spearman moved that the Senate concur in Assembly Amendment No. 1058 to Senate Bill No. 394.

Motion carried by a constitutional majority.

Bill ordered enrolled

#### RECEDE FROM SENATE AMENDMENTS

Senator Spearman moved that the Senate do not recede from its action on Assembly Bill No. 249, that a conference be requested, and that Mr. President appoint a Conference Committee consisting of three members to meet with a like committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

#### APPOINTMENT OF CONFERENCE COMMITTEES

President Hutchison appointed Senators Spearman, Ratti and Gansert as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Assembly Bill No. 249.

#### INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 413.

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

Motion carried.

Senator Ford moved that the Senate recess subject to the call of the Chair.  
Motion carried.

Senate in recess at 7:47 p.m.

#### SENATE IN SESSION

At 10:33 p.m.  
President Hutchison presiding.  
Quorum present.

#### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Education, to which was referred Assembly Bill No. 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

*Mr. President:*

Your Committee on Finance, to which were referred Senate Bills Nos. 548, 549, 550, 553; Assembly Bills Nos. 505, 506, 507, 508, 509, 510, 517, 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were referred Senate Bills Nos. 300, 547, 551, 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

*Mr. President:*

Your Committee on Legislative Operations and Elections, to which was referred Senate Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

NICOLE J. CANNIZZARO, *Chair*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 11.

Resolution read.

Senator Spearman moved the adoption of the resolution.

Remarks by Senators Spearman, Kieckhefer and Roberson.

SENATOR SPEARMAN:

Senate Concurrent Resolution No. 11 requires the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs to study and make recommendations to the Legislative Commission concerning the manner in which the Legislature may make the Legislative Building and legislative proceedings more accessible to persons who are blind, deaf, hard of hearing or speech impaired. The Commission is required to consider such recommendations and if appropriate, direct the Legislative Counsel Bureau (LCB) to adopt related recommendations and other protocols as soon as possible. These recommendations may include providing closed captioning services for legislative hearings and Floor Sessions, making accommodations to provide interpreters for those who are deaf, hard of hearing or speech impaired; developing and providing auxiliary aides to individuals who are blind or who have limited vision; and outfitting the Legislative building to increase accessibility and civic engagement for persons who are blind, deaf, hard of hearing or speech impaired.

The Legislative Commission is authorized to approve expenditures of not more than \$2 million from the Legislative Fund to allow the LCB to implement as many recommendations and protocols as possible prior to the 80th Session of the Nevada Legislature. Finally, LCB shall prepare and submit a report to the 2019 Legislative Session regarding recommendations and protocols that were implemented and identifying the effect of such adoption and implementation.

SENATOR KIECKHEFER:

I do not have a copy of this resolution so I do not know what it says, but I am concerned about authorizing the expenditure of money through a resolution rather than the budgetary process. We have been presented with a budget for the Legislature during the interim from LCB, and this seems to contradict that. If it is going to be called for a vote, I will be voting "no".

SENATOR ROBERSON:

I would like a copy of Senate Concurrent Resolution No. 11 if we are going to vote on it.

Senator Spearman moved that the Resolution be taken from the Resolution File and placed on the Secretary's desk.

Motion carried.

Senator Atkinson moved that the action whereby Assembly Bill No. 29 was amended with Amendment No. 951 be rescinded.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

By Senator Atkinson (emergency request of Senate Majority Leader):

Senate Bill No. 554—AN ACT relating to transportation network companies; requiring a driver to provide to a transportation network company certain information relating to his or her state business registration; requiring a transportation network company to terminate an agreement with a driver who fails to comply with the requirement to provide such information to the company; requiring the Nevada Transportation Authority to provide certain information to the Secretary of State for the purpose of enforcing the provisions of law governing the state business registration; providing for the confidentiality of the information provided to the Secretary of State; and providing other matters properly relating thereto.

Senator Atkinson moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 300.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1096.

SUMMARY—Makes an appropriation to the ~~{Clark County School District}~~ Department of Education for a program of peer assistance and review of teachers. (BDR S-4)

AN ACT making an appropriation to the ~~{Clark County School District}~~ Department of Education for allocation to certain school districts to carry out

a program of peer assistance and review of teachers; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the ~~{Clark County School District to carry out a program of peer assistance and review of teachers}~~ Department of Education the following sums:

For the Fiscal Year 2017-2018.....	<del>[\$2,000,000]</del>	\$1,200,000
For the Fiscal Year 2018-2019.....	<del>[\$2,000,000]</del>	\$1,200,000

2. ~~{The}~~ From the money appropriated by subsection 1 ~~{must be used}~~, the Department of Education shall transfer to the school districts specified in this subsection for Fiscal Year 2017-2018 and Fiscal Year 2018-2019 the following sums:

School District	2017-2018	2018-2019
Clark County School District	\$1,000,000	\$1,000,000
Washoe County School District	\$200,000	\$200,000
TOTAL:	\$1,200,000	\$1,200,000

3. A school district that receives an allocation pursuant to subsection 2 shall use the allocation to provide assistance to teachers in ~~{the Clark County School District in}~~ meeting the standards for effective teaching, including, without limitation, by:

- (a) Conducting observations and peer assistance and review; and
- (b) Providing information and resources to teachers about strategies for effective teaching.

~~{3-}~~ 4. The sums ~~{appropriated}~~ allocated by subsection ~~{1-}~~ 2:

(a) Must be accounted for separately from any other money received by the ~~{Clark County School District}~~ school district and used only for the purposes specified in this section.

(b) May be used for expenses relating to conducting a program of peer assistance and review of teachers, which may include, without limitation, salaries and benefits of teachers and supervisors who provide consulting services, salaries and benefits of necessary substitute teachers, supplies, travel expenses and expenses relating to professional development.

(c) May not be used to settle or arbitrate disputes between a recognized organization representing employees of the school district and the school district, or to settle any negotiations.

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

Sec. 2. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by

either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 3. This act becomes effective on July 1, 2017.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1096 to Senate Bill No. 300 revises the appropriations from the State General Fund for the peer assistance and review of teachers program from \$2 million to \$1 million in each year of the 2017-19 biennium, of which \$1.2 million would be transferred to the Clark County School District and \$200,000 would be transferred to the Washoe County School District per year. The amendment appropriates the money to the Department of Education for transfers to the school districts rather than as direct appropriations to the Clark County School District and Washoe County School District. The amendment further authorizes the funding to be used for expenditures related to conducting a peer assistance and review of teachers program, which may include but are not limited to, salaries and benefits of teachers and supervisors who provide consulting services, salaries and benefits of substitute teachers, supplies, travel and related professional development.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 547.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1085.

SUMMARY—Requires certain large school districts to establish, through negotiations with an employee organization, a salary incentive program for professional growth. (BDR 34-1241)

AN ACT relating to education; requiring certain large school districts to establish, through negotiations with an employee organization, a salary incentive program for professional growth; requiring the board of trustees of such large school districts to reserve a certain amount of money to carry out the salary incentive program; requiring the salary incentive program to be included in the scope of mandatory collective bargaining; 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 the recruitment and retention of licensed teachers and administrators. Existing law authorizes such a program to include professional development. (NRS 391A.450) Section 3 of this bill requires each large school district which has more than 100,000 pupils enrolled in its public schools (currently only the Clark County School District) to establish through negotiations with an employee organization a salary incentive program for professional growth which is to be made available to any licensed teacher or principal who enters into an agreement with the school district, when receiving his or her annual evaluation. Any such agreement must provide that: (1) the teacher or

principal agrees to complete continuing education or professional development or take other specified actions which are intended to improve the performance of the teacher or principal at his or her own expense; and (2) the large school district agrees to provide a salary increase to the teacher or principal after a certain period if the actions are completed.

Section 4 of this bill requires the board of trustees of each large school district to reserve for each fiscal year an amount of money sufficient to provide any agreed upon increases in the salaries of licensed teachers and principals prescribed in any agreements entered into pursuant to section 3. Section 5 of this bill requires the salary incentive program to be within the scope of mandatory collective bargaining. Section 5.5 of this bill clarifies the manner in which the provisions of this bill apply to any existing contracts.

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

Section 1. Chapter 391A 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 sections 3 and 4 of this act, unless the context otherwise requires, "large school district" means any school district in this State which has more than 100,000 pupils enrolled in the public schools in the school district.*

Sec. 3. 1. *A large school district shall, through negotiations with an employee organization conducted pursuant to NRS 288.150, establish a salary incentive program for professional growth, which must be made available to any licensed teacher or principal who enters into an agreement with the large school district as described in this section. Such a program must allow a teacher or principal, when receiving his or her annual evaluation, to enter into an agreement with the large school district in which:*

*(a) The teacher or principal agrees to complete a specified type and amount of continuing education or professional development or to take other specified actions at his or her own expense which are intended to improve the performance of the teacher or principal; and*

*(b) The large school district agrees to provide a salary increase to the teacher or principal in a specified amount upon completion of the actions by the teacher or principal subject to the provisions of subsection 2.*

2. *An agreement entered into pursuant to subsection 1 must provide that, upon completion of the specified actions, the teacher or principal will be entitled to the salary increase only after:*

*(a) Two school years if the teacher or principal is employed at a Title I school and further agrees to remain at the Title I school for one additional school year.*

*(b) Three school years if the teacher or principal is employed at a school that is not a Title I school.*

3. *As used in this section, "Title I school" has the meaning ascribed to it in NRS 385A.040.*



Sec. 4. 1. *The board of trustees of each large school district shall reserve for each fiscal year an amount of money sufficient to carry out any increase in the salary of a licensed teacher or principal set forth in an agreement entered into pursuant to section 3 of this act.*

2. *Except as otherwise provided in subsection 3, the money reserved by a board of trustees pursuant to subsection 1 must be:*

(a) *Accounted for separately by the large school district.*

(b) *Used only to pay an increase in salaries in accordance with section 3 of this act.*

3. *Any money reserved pursuant to subsection 1 for a fiscal year that remains in the account established pursuant to subsection 2:*

(a) *At the end of that fiscal year does not revert to the general fund of the large school district, but must be carried forward to the next fiscal year.*

(b) *At the end of the next fiscal year reverts to the general fund of the large school district and may be expended by the board of trustees of the school district pursuant to the provisions of chapter 288 of NRS.*

4. Any money reserved pursuant to subsection 1 for a fiscal year must not be subtracted from the operating expenses of the large school district for purposes of determining the budget of the large school district for any other fiscal year.

Sec. 5. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Except as otherwise provided in subsection 6, discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) Except as otherwise provided in subsections 7 and 9, the policies for the transfer and reassignment of teachers.

(v) *The salary incentives program for professional growth that must be made available to licensed teachers and principals pursuant to section 3 of this act.*

(w) Procedures for reduction in workforce consistent with the provisions of this chapter.

~~[(w)]~~ (x) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph ~~[(v)]~~ (w) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee

organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➤ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

7. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

9. The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.

10. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

11. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

12. As used in this section, "achievement charter school" has the meaning ascribed to it in NRS 385.007.

Sec. 5.5. 1. The provisions of section 3 of this act apply to any contract existing on July 1, 2017, to the extent that the provisions of section 3 of this act do not conflict with the terms of such a contract and to the extent that a conflict exists, the provisions of the contract control.

2. A large school district, as defined in section 2 of this act, is not required to begin reserving money pursuant to section 4 of this act until July 1, 2018.

Sec. 6. This act becomes effective on July 1, 2017.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1085 to Senate Bill No. 547 clarifies that any money reserved by the board of trustees of a large school district must not be subtracted from the operating expenses of the large school district for purposes of determining the district's budget for any other fiscal year. A large school district is not required to begin reserving money for the salary-incentive program for professional growth until July 1, 2018, and the provisions of the bill apply to any existing contract on July 1, 2017, to the extent the provisions of the act do not conflict with the terms of such contract and to the extent that a conflict exists, the provisions of the existing contract control.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 548.

Bill read second time and ordered to third reading.

Senate Bill No. 549.

Bill read second time and ordered to third reading.

Senate Bill No. 550.

Bill read second time and ordered to third reading.

Senate Bill No. 551.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1112.

SUMMARY—Establishes for the 2017-2019 biennium the subsidies to be paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees. (BDR S-1242)

AN ACT relating to programs for public personnel; establishing for the 2017-2019 biennium the subsidies to be paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State and local governments are required to pay a portion of the cost of coverage under the Public Employees' Benefits Program for certain active and retired public officer and employees. (NRS 287.023, 287.044, 287.0445, 287.046) Section 1 of this bill establishes the amount of the State's share of the costs of premiums or contributions for group insurance for active state officers and employees who participate in the Public Employees' Benefits Program. Section 2 of this bill establishes the base amount for the share of the costs of premiums or contributions for group insurance under the Program that is required to be paid by the State and local governments for retired public officers and employees. Section 2 also establishes the share of the cost of qualified medical expenses for individual Medicare insurance plans through the Program that is required to be paid by the State and local governments for retired public officers and employees.

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

Section 1. 1. For the purposes of NRS 287.044 and 287.0445, the State's share of the cost of premiums or contributions for group insurance for each active state officer or employee who elects to participate in the Public Employees' Benefits Program is:

- (a) For the Fiscal Year 2017-2018, \$743.00 per month.
- (b) For the Fiscal Year 2018-2019, \$740.92 per month.

2. If the amount of the State's share pursuant to this section exceeds the actual premium or contribution for the plan of the Public Employees' Benefits Program that the state officer or employee selects less any amount paid by the state officer or employee toward the premium or contribution, the balance must be credited to the Fund for the Public Employees' Benefits Program created by NRS 287.0435, which may be used to pay a portion of the premiums or contributions for persons who are eligible to participate in the Public Employees' Benefits Program through such a state officer or employee.

Sec. 2. 1. Except as otherwise provided in subsection 2, for the purposes of NRS 287.023 and 287.046, the base amount for the share of the cost of premiums or contributions for group insurance for each person who has retired with state service and continues to participate in the Public Employees' Benefits Program to be paid by the State or a local government, as applicable, is:

- (a) For the Fiscal Year 2017-2018, \$445.03 per month.

(b) For the Fiscal Year 2018-2019, \$451.23 per month.

2. For the purposes of NRS 287.023 and 287.046, the share of the cost of qualified medical expenses for each person who has retired with state service and whose coverage is provided through the Public Employees' Benefits Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., for Fiscal Year 2017-2018 and Fiscal Year 2018-2019 to be paid by the State or a local government, as applicable, is:

(a) For those persons who retired before January 1, 1994:

(1) For the Fiscal Year 2017-2018, \$180.00 per month.

(2) For the Fiscal Year 2018-2019, \$180.00 per month.

(b) For those persons who retired on or after January 1, 1994:

(1) For the Fiscal Year 2017-2018, \$12.00 per month per year of service, up to 20 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, up to a maximum of \$240.00 per month.

(2) For the Fiscal Year 2018-2019, \$12.00 per month per year of service, up to 20 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, up to a maximum of \$240.00 per month.

3. If the amount calculated pursuant to this section exceeds the actual premium or contribution for the plan of the Public Employees' Benefits Program that the retired participant selects, the balance must be credited to the Fund for the Public Employees' Benefits Program created by NRS 287.0435.

Sec. 2.5. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after June 1, 2017.

Sec. 3. 1. This ~~act becomes~~ section and section 2.5 of this act become effective upon passage and approval.

2. Sections 1 and 2 become effective on July 1, 2017.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

This amendment allows for an exception to the requirement that the Fiscal Analysis Division obtain and prepare fiscal notes from State agencies and local governments prior to a Committee taking a vote on Senate Bill No. 551.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 552.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1113.

SUMMARY—Revises provisions governing the cost of certain coverage under the Public Employees' Benefits Program. (BDR 23-1226)

AN ACT relating to public employees; revising the method of determining the amount that certain local governmental agencies are required to pay as a subsidy for the cost of coverage for retired persons of the agencies who are participants in the Public Employees' Benefits Program; expressing the intent of the Legislature regarding the transitional responsibility for any increased costs to such local governmental agencies relating to the subsidy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of the Public Employees' Benefits Program provides group insurance coverage through the Public Employees' Benefits Program for active and retired state officers and employees and their dependents. (NRS 287.043) In addition, the Program provides coverage to active and retired officers and employees, and their dependents, of a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency under certain circumstances. (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 state and nonstate participants. (NRS 287.043) Existing law requires a local governmental agency to subsidize the cost of coverage of its retired persons who participate in the Program by paying the same portion of the cost of coverage for those retired persons as the State pays for state retired persons. (NRS 287.023)

Section 1 of this bill changes the method of calculating the amount of the subsidy paid by a local governmental agency for coverage under the Program of retired persons of the local governmental agency to require the local governmental agency to pay the portion of the total cost of that coverage that is equal to the difference between the total cost of coverage and the amount of the premium paid by a similarly situated state retired person for coverage under the Program.

Under existing law, the Board of the Public Employees' Benefits Program is required to provide at least 30 days' written notice to all participants in the Program of any change in the premium or contribution charged for, or coverage of, under the Program. (NRS 287.043) Section 2 of this bill provides an exemption from this requirement for the plan year commencing on July 1, 2017, with respect to any change in the amount of the premium or contribution charged for coverage under the Program of a retired person of a local governmental agency as a result of the revised calculation set forth in section 1.

Section 3 of this bill expresses the intent of the Legislature with respect to transitional responsibility for any increased cost to a local governmental agency as a result of the revised calculation set forth in section 1.

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

Section 1. NRS 287.023 is hereby amended to read as follows:

287.023 1. Whenever an officer or employee of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada retires under the conditions set forth in NRS 1A.350 or 1A.480, or 286.510 or 286.620 and, during the period in which the person served as an officer or employee, was eligible to be covered or had dependents who were eligible to be covered by any group insurance, plan of benefits or medical and hospital service established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 or under the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025, the officer or employee has the option upon retirement to cancel or continue any such coverage to the extent that such coverage is not provided to the officer or employee or a dependent by the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq.

2. A retired person who continues coverage under the Public Employees' Benefits Program shall assume the portion of the premium or contribution costs for the coverage which the governing body or the State does not pay on behalf of retired officers or employees. A dependent of such a retired person has the option, which may be exercised to the same extent and in the same manner as the retired person, to cancel or continue coverage in effect on the date the retired person dies. The dependent is not required to continue to receive retirement payments from the Public Employees' Retirement System to continue coverage.

3. Notice of the selection of the option must be given in writing to the last public employer of the officer or employee within 60 days after the date of retirement or death, as the case may be. If no notice is given by that date, the retired officer or employee and any dependents shall be deemed to have selected the option to cancel the coverage for the group insurance, plan of benefits or medical and hospital service established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 or coverage under the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025.

4. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State:

(a) May pay the cost, or any part of the cost, of coverage established pursuant to NRS 287.010, 287.015 or 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 for persons who continue that coverage pursuant to subsection 1, but it must not pay a greater portion than it does for its current officers and employees.

(b) Shall , *for each retired person covered under the Public Employees' Benefits Program*, pay the ~~[same]~~ portion of the *total cost of coverage for the retired person* under the ~~[Public Employees' Benefits Program for retired persons covered under the Program as the State pays pursuant to~~



~~NRS 287.046 for persons~~ Program that is equal to the difference between the total cost of coverage for the retired person and the amount of the premium paid by a similarly situated retired person with state service who ~~participate~~ participates in the Program ~~for coverage under the Program.~~

5. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State shall, for the purpose of establishing actuarial data to determine rates and coverage for persons who continue coverage for group insurance, a plan of benefits or medical and hospital service with the governing body pursuant to subsection 1, commingle the claims experience of those persons with the claims experience of active officers and employees and their dependents who participate in the group insurance, a plan of benefits or medical and hospital service.

Sec. 2. Notwithstanding the provisions of paragraphs (c) and (d) of subsection 2 of NRS 287.043, as a result of the amendatory provisions of this act, the Board of the Public Employees' Benefits Program may provide such notice as it determines appropriate of any change in the amount of the premium or contribution charged for coverage of a retired person under the Public Employees' Benefits Program pursuant to NRS 287.023 for the plan year of the Program beginning on July 1, 2017. The Board is not required to hold a period of open enrollment for purposes of such a change.

Sec. 3. To the extent that the amount of the cost of coverage under the Public Employees' Benefits Program for retired persons covered under the Program that is required to be paid by a local governmental agency pursuant to paragraph (b) of subsection 4 of NRS 287.023, as amended by section 1 of this act, exceeds the cost of such coverage that the local governmental agency was required to pay before July 1, 2017, it is the intent of the Legislature that the difference in the cost be paid in the following manner:

1. For Fiscal Year 2017-2018, 100 percent of the difference in the cost of coverage must be paid from the State General Fund.

2. For Fiscal Year 2018-2019, 75 percent of the difference in the cost of coverage must be paid from the State General Fund and 25 percent of that difference must be paid by the local governmental agency.

3. For Fiscal Year 2019-2020, 50 percent of the difference in the cost of coverage must be paid from the State General Fund and 50 percent of that difference must be paid by the local governmental agency.

4. For Fiscal Year 2020-2021, 25 percent of the difference in the cost of coverage must be paid from the State General Fund and 75 percent of that difference must be paid by the local governmental agency.

5. For Fiscal Year 2021-2022 and each succeeding fiscal year, 100 percent of the difference in the cost of coverage must be paid by the local governmental agency.

Sec. 3.5. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the

period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after June 1, 2017.

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. 1. This section and ~~section~~ sections 2 and 3.5 of this act become effective upon passage and approval.

2. Sections 1, 3 and 4 of this act become effective on July 1, 2017.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1113 allows for an exception to the requirement that the Fiscal Analysis Division obtain and prepare fiscal notes from State agencies and local governments prior to a Committee taking a vote on Senate Bill No. 552.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 553.

Bill read second time and ordered to third reading.

Assembly Bill No. 29.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 950.

SUMMARY—Revises provisions governing off-highway vehicles. (BDR 18-220)

AN ACT relating to off-highway vehicles; creating the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources; placing the Commission on Off-Highway Vehicles within the Department; revising provisions regarding the membership and duties of the Commission; reducing the late fee imposed for failure to register an off-highway vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Off-Highway Vehicles and authorizes the Commission to award grants of money from the Account for Off-Highway Vehicles to certain applicants for projects relating to off-highway vehicle use and off-highway trails and facilities. (NRS 490.067, 490.068, 490.069) Sections 4 and 6 of this bill place the Commission within the State Department of Conservation and Natural Resources.

Section 1 of this bill creates the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources. In administering the Program, the Director of the Department, within the limits of approved funding, is required to: (1) provide certain support and assistance to the Commission on Off-Highway Vehicles; and (2) administer the Account for Off-Highway Vehicles. Section 1 further requires the Director to include in his or her budget the money necessary, within the limits of legislative

appropriations for the Account, for: (1) certain expenses of the Program and the Commission; and (2) a reserve amount.

Under existing law, each member of the Commission on Off-Highway Vehicles is entitled to receive, if money is available for that purpose, the per diem allowance and travel expenses provided for state officers and employees generally. (NRS 490.067) Section 6 provides that, if money is available for that purpose, any member of the Commission who is not an officer or employee of the State is entitled to receive a salary of not more than \$80 per day for each day of attendance at a meeting of the Commission. Section 6 further provides a procedure for replacing a member of the Commission who fails to attend at least three consecutive meetings.

Under existing law, the Commission on Off-Highway Vehicles is required to solicit nine nonvoting advisors to the Commission from various state and federal agencies. (NRS 490.068) Section 7 of this bill removes that requirement, and section 6 also: (1) revises the membership of the Commission; and (2) adds to the Commission four nonvoting, ex officio members. Section 7 also sets forth requirements for establishing a quorum of the Commission for transacting business. Finally, sections 1 and 7 revise provisions requiring a comprehensive report that must be submitted to the Legislature, providing that the report must be prepared by the Director of the State Department of Conservation and Natural Resources, then reviewed and approved by the Chair of the Commission before being submitted to each regular session of the Legislature.

Under existing law, fees paid for titling and registration of an off-highway vehicle are deposited into the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. (NRS 490.084) The Department of Motor Vehicles is required to transfer, at least once each fiscal quarter, any amount in excess of \$150,000 in that Account into the Account for Off-Highway Vehicles. (NRS 490.085) The Commission on Off-Highway Vehicles is required to administer the money in the Account for Off-Highway Vehicles. (NRS 490.069) Section 8 of this bill requires the Director of the State Department of Conservation and Natural Resources to administer the Account. Section 8 also requires a portion of the money in the Account be used to maintain a reserve amount.

Under existing law, if the owner of an off-highway vehicle that is registered in this State fails to renew the registration before it expires, the registration may be reinstated upon payment of the annual renewal fee, a late fee of \$25 and, if applicable, the submission of proof of insurance, which is only required for certain larger all-terrain vehicles that are authorized to operate on certain county roads. (NRS 490.082, 490.0825, 490.105) Section 9 of this bill reduces the late fee to \$10.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Off-Highway Vehicles Program is hereby created in the Department. The Director shall administer the Program. The Commission on Off-Highway Vehicles created by NRS 490.067 shall provide direction to the Program pursuant to its authority and duties provided in NRS 490.068 and 490.069.*

2. *In administering the Program, the Director shall, within the limits of authorized expenditures:*

*(a) Administer the Account for Off-Highway Vehicles created by NRS 490.069; and*

*(b) Provide staff to the Commission on Off-Highway Vehicles for the purposes of:*

*(1) Providing assistance, support and technical advice to the Commission; and*

*(2) Assisting in the coordination of the activities and duties of the Commission.*

3. *The Director may form a technical advisory committee as needed to provide input to the Commission on Off-Highway Vehicles regarding the completeness and merit of applications received by the Commission for a grant from the Account for Off-Highway Vehicles.*

4. *The Director shall prepare, for each regular session of the Legislature, a comprehensive report that includes, without limitation:*

*(a) The general activities of the Commission on Off-Highway Vehicles;*

*(b) The fiscal activities of the Commission on Off-Highway Vehicles; and*

*(c) A summary of any grants awarded by the Commission on Off-Highway Vehicles.*

➡ *Upon completion of the report, the Director shall submit the report to the Chair of the Commission on Off-Highway Vehicles for review pursuant to NRS 490.068.*

5. *The Director shall include in his or her budget the money necessary, within the limits of legislative authorizations for the Account for Off-Highway Vehicles, for:*

*(a) The operating expenses of the Commission on Off-Highway Vehicles;*

*(b) The administrative expenses of the Program to carry out the provisions of this section; and*

*(c) A reserve amount as approved by the Legislature.*

6. *The Director may adopt regulations for the operation of the Commission on Off-Highway Vehicles and the Program.*

7. *As used in this section:*

*(a) "Administrative expenses" includes, without limitation, hiring any staff necessary to carry out the provisions of this section.*

*(b) "Operating expenses" includes, without limitation, any costs of contracting with a third party to provide education and information to the members of the public relating to the provisions of chapter 490 of NRS governing the lawful use and registration of off-highway vehicles.*

Sec. 2. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.162, inclusive ~~[ ]~~, and *section 1 of this act*:

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 3. NRS 232.070 is hereby amended to read as follows:

232.070 1. As executive head of the Department, the Director is responsible for the administration, through the divisions and other units of the Department, of all provisions of law relating to the functions of the Department, except functions assigned by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, *the Commission on Off-Highway Vehicles* or the Sagebrush Ecosystem Council.

2. Except as otherwise provided in subsection 4, the Director shall:

(a) Establish departmental goals, objectives and priorities.

(b) Approve divisional goals, objectives and priorities.

(c) Approve divisional and departmental budgets, legislative proposals, contracts, agreements and applications for federal assistance.

(d) Coordinate divisional programs within the Department and coordinate departmental and divisional programs with other departments and with other levels of government.

(e) Appoint the executive head of each division within the Department.

(f) Delegate to the executive heads of the divisions such authorities and responsibilities as the Director deems necessary for the efficient conduct of the business of the Department.

(g) Establish new administrative units or programs which may be necessary for the efficient operation of the Department, and alter departmental organization and reassign responsibilities as the Director deems appropriate.

(h) From time to time adopt, amend and rescind such regulations as the Director deems necessary for the administration of the Department.

(i) Consider input from members of the public, industries and representatives of organizations, associations, groups or other entities concerned with matters of conservation and natural resources on the following:

(1) Matters relating to the establishment and maintenance of an adequate policy of forest and watershed protection;

(2) Matters relating to the park and recreational policy of the State;

(3) The use of land within this State which is under the jurisdiction of the Federal Government;

(4) The effect of state and federal agencies' programs and regulations on the users of land under the jurisdiction of the Federal Government, and on the problems of those users of land; and

(5) The preservation, protection and use of this State's natural resources.

3. Except as otherwise provided in subsection 4, the Director may enter into cooperative agreements with any federal or state agency or political subdivision of the State, any public or private institution located in or outside the State of Nevada, or any other person, in connection with studies and investigations pertaining to any activities of the Department.

4. This section does not confer upon the Director any powers or duties which are delegated by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, *the Commission on Off-Highway Vehicles* or the Sagebrush Ecosystem Council, but the Director may foster cooperative agreements and coordinate programs and activities involving the powers and duties of the Commissions and the Council.

5. Except as otherwise provided in NRS 232.159 and 232.161, all gifts of money and other property which the Director is authorized to accept must be accounted for in the Department of Conservation and Natural Resources Gift Fund which is hereby created as a trust fund.

Sec. 4. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

- (a) The Division of Water Resources.
- (b) The Division of State Lands.
- (c) The Division of Forestry.
- (d) The Division of State Parks.
- (e) The Division of Environmental Protection.
- (f) The Office of Historic Preservation.
- (g) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, *the Commission on Off-Highway Vehicles*, the Conservation Districts Program, the Nevada Natural Heritage Program, the Sagebrush Ecosystem Council and the Board to Review Claims are within the Department.

Sec. 5. NRS 490.066 is hereby amended to read as follows:

490.066 ~~{The}~~ *Except as otherwise provided in NRS 490.068 and section 1 of this act, the* Director may adopt and enforce such administrative regulations as are necessary to carry out the provisions of this chapter.

Sec. 6. NRS 490.067 is hereby amended to read as follows:

490.067 1. The Commission on Off-Highway Vehicles is hereby created ~~{}~~ *in the State Department of Conservation and Natural Resources.*

2. The Commission consists of : ~~{11 members as follows:}~~

- (a) One member who is an authorized dealer, appointed by the Governor;
- (b) One member who is a sportsman, appointed by the Governor from a list of persons submitted by the Director of the Department of Wildlife;
- (c) One member who is a rancher, appointed by the Governor from a list of persons submitted by the Director of the State Department of Agriculture;

(d) One member who is a representative of the Nevada Association of Counties, appointed by the Governor from a list of persons submitted by the Executive Director of the Association;

(e) One member who is a representative of law enforcement, appointed by the Governor from a list of persons submitted by the Nevada Sheriffs' and Chiefs' Association;

(f) One member ~~{ }~~ *who is actively engaged in and possesses experience and expertise in advocating for issues relating to conservation*, appointed by the Governor ~~{from a list of persons submitted by the Director of the State Department of Conservation and Natural Resources, who:~~

~~— (1) Possesses a degree in soil science, rangeland ecosystems science or a related field;~~

~~— (2) Has at least 5 years of experience working in one of the fields described in subparagraph (1); and~~

~~— (3) Is knowledgeable about the ecosystems of the Great Basin Region of central Nevada or the Mojave Desert;~~

~~— (g) One member, appointed by the Governor, who is a representative of an organization that represents persons who use off-highway vehicles to access areas to participate in recreational activities that do not primarily involve off-highway vehicles; and~~

~~— (h) Four~~; and

(g) *Three* members, appointed by the Governor, who reside in the State of Nevada and have participated in recreational activities for off-highway vehicles for at least 5 years using the type of off-highway vehicle owned or operated by the persons they will represent, as follows:

(1) One member who represents persons who own or operate all-terrain vehicles;

(2) One member who represents persons who own or operate all-terrain motorcycles ~~{ }~~ *and who is involved with or participates in the racing of off-highway motorcycles*; and

(3) One member who represents persons who own or operate snowmobiles. ~~{ ; and~~

~~— (4) One member who represents persons who own or operate, and participate in the racing of, off-highway motorcycles. }~~

3. *The following are nonvoting, ex officio members of the Commission:*

(a) *The State Director of the Nevada State Office of the Bureau of Land Management;*

(b) *The Forest Supervisor for the Humboldt-Toiyabe National Forest;*

(c) *The Director of the Department of Tourism and Cultural Affairs; and*

(d) *The Director of the Department of Motor Vehicles.*

4. *A nonvoting, ex officio member of the Commission may appoint, in writing, an alternate to serve in his or her place on the Commission.*

5. The Governor shall not appoint to the Commission any member described in paragraph ~~{(h)}~~ (g) of subsection 2 unless the member has been recommended to the Governor by an off-highway vehicle organization. As

used in this subsection, "off-highway vehicle organization" means a profit or nonprofit corporation, association or organization formed pursuant to the laws of this State and which promotes off-highway vehicle recreation or racing.

~~{4.}~~ 6. After the initial terms, each member of the Commission *appointed pursuant to subsection 2* serves for a term of 3 years. A vacancy on the Commission must be filled in the same manner as the original appointment.

~~{5.}~~ 7. Except as otherwise provided in this subsection, a member of the Commission *who is appointed* may not serve more than two consecutive terms on the Commission. A member who has served two consecutive terms on the Commission may be reappointed if the Governor does not receive any applications for that member's seat or if the Governor determines that no qualified applicants are available to fill that member's seat.

~~{6.}~~ 8. The Governor shall ensure that, insofar as practicable, the members appointed to the Commission *pursuant to subsection 2* reflect the geographical diversity of this State.

~~{7.}~~ 9. Each member of the Commission:

(a) Is entitled to receive, if money is available for that purpose, ~~{from the fees collected pursuant to NRS 490.084,}~~ the per diem allowance and travel expenses provided for state officers and employees generally.

(b) *Who is not an officer or employee of the State of Nevada is entitled to receive, if money is available for that purpose, a salary of not more than \$80 per day for each day of attendance at a meeting of the Commission.*

(c) Shall swear or affirm that he or she will work to create and promote responsible off-highway vehicle recreation in the State. ~~{The Governor may remove a member from the Commission if the member violates the oath described in this paragraph.}~~

~~—8.— The Commission may employ an Executive Secretary, who must not be a member of the Commission, to assist in its daily operations and in administering the Account for Off Highway Vehicles created by NRS 490.069.~~

~~—9.— The Commission may adopt regulations for the operation of the Commission. Upon request by the Commission, the nonvoting advisers solicited by the Commission pursuant to NRS 490.068 may provide assistance to the Commission in adopting those regulations.}~~

10. A member of the Commission who is appointed by the Governor and who fails to attend at least three consecutive meetings of the Commission is subject to replacement. The Commission shall notify the appointing authority or group who recommended the member for appointment, if any, and the appointing authority or group may recommend a person to replace that member of the Commission. The replacement of a member pursuant to this subsection must be conducted in the same manner as the original appointment.



Sec. 7. NRS 490.068 is hereby amended to read as follows:

490.068 1. The Commission shall:

(a) Elect a Chair ~~{,}~~ and Vice Chair ~~{, Secretary and Treasurer}~~ from among its members.

(b) Meet at the call of the Chair.

(c) Meet at least four times each year.

(d) ~~{Solicit nine nonvoting advisers to the Commission to serve for terms of 2 years as follows:~~

~~— (1) One adviser from the Bureau of Land Management.~~

~~— (2) One adviser from the United States Forest Service.~~

~~— (3) One adviser who is:~~

~~— (I) From the Natural Resources Conservation Service of the United States Department of Agriculture; or~~

~~— (II) A teacher, instructor or professor at an institution of the Nevada System of Higher Education and who provides instruction in environmental science or a related field.~~

~~— (4) One adviser from the State Department of Conservation and Natural Resources.~~

~~— (5) One adviser from the Department of Wildlife.~~

~~— (6) One adviser from the Department of Motor Vehicles.~~

~~— (7) One adviser from the Commission on Tourism, other than the Chair of the Nevada Indian Commission.~~

~~— (8) One adviser from the Nevada Indian Commission.~~

~~— (9) One adviser from the United States Fish and Wildlife Service.]~~

*Provide direction to the Off-Highway Vehicles Program created by section 1 of this act.*

*(e) Perform the duties assigned to the Commission set forth in NRS 490.083 and 490.084.*

2. *A majority of the voting members of the Commission constitutes a quorum for the transaction of business, and a majority vote of those members present at any meeting is sufficient for any official action taken by the Commission.*

3. The Commission may award a grant of money from the Account for Off-Highway Vehicles created by NRS 490.069. Any such grant must comply with the requirements set forth in NRS 490.069. The Commission shall:

(a) Adopt regulations setting forth who may apply for a grant of money from the Account for Off-Highway Vehicles and the manner in which such ~~{a person}~~ *an applicant* may submit the application to the Commission. The regulations adopted pursuant to this paragraph must include, without limitation, requirements that:

(1) Any ~~{person}~~ *applicant* requesting a grant provide proof satisfactory to the Commission that the appropriate federal, state or local governmental agency has been consulted regarding the nature of the project to be funded by the grant and regarding the area affected by the project;

(2) The application for the grant address all applicable laws and regulations, including, without limitation, those concerning:

(I) Threatened and endangered species in the area affected by the project;

(II) Ecological, cultural and archaeological sites in the area affected by the project; and

(III) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area affected by the project; and

(3) Any compliance information provided by an appropriate federal, state or local governmental agency, and any information or advice provided by any agency, group or individual be submitted with the application for the grant.

(b) Adopt regulations for awarding grants from the Account ~~[- (c) Adopt regulations for determining the]~~, including, without limitation, developing criteria:

(1) That promote projects which integrate multiple grant categories;

(2) That encourage a distribution of grants among all grant categories; and

(3) For the determination of acceptable performance of work on a project for which a grant is awarded.

~~{(d) Approve the completion of, and payment of money for, work performed on a project for which a grant is awarded, if the Commission determines the work is acceptable.~~

~~-(e) Monitor the accounting activities of the Account.~~

~~-3. The nonvoting advisers solicited by the]~~

4. The Commission ~~[pursuant to paragraph (d) of subsection 1 shall assist the Commission in carrying out the duties set forth in this section and shall review for completeness and for compliance with the requirements of paragraph (a) of subsection 2 all]~~ may solicit input regarding applications for grants ~~[-~~

~~-4.] from a technical advisory committee formed pursuant to section 1 of this act.~~

5. For each regular session of the Legislature, the *Chair of the Commission* shall ~~[prepare a]~~ review the comprehensive report ~~[-, including, without limitation, a summary of any grants that the Commission awarded and of the accounting activities of the Account, and any recommendations of the Commission for proposed legislation. The]~~ prepared pursuant to section 1 of this act. Upon approval of the report by the Chair of the Commission, the report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 8. NRS 490.069 is hereby amended to read as follows:

490.069 1. The Account for Off-Highway Vehicles is hereby created in the State General Fund as a revolving account. The ~~{Commission}~~ Director

of the State Department of Conservation and Natural Resources shall administer 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. ~~{During the period beginning on July 1, 2012, and ending on June 30, 2013, money in the Account may only be used by the Commission for the reasonable administrative costs of the Commission and to inform the public of the requirements of this chapter.~~

~~—3.—~~ On or after July 1, ~~{2013,}~~ 2017, money in the Account may only be used ~~{by the Commission}~~ as follows:

(a) ~~{Not more than 5 percent of the money that is in the Account as of January 1 of each year may be used for the reasonable}~~ To pay for the operating expenses of the Commission, including, without limitation, any debts or obligations lawfully incurred by the Commission before July 1, 2017, and the administrative ~~{costs}~~ expenses of the ~~{Account.}~~ Off-Highway Vehicles Program created by section 1 of this act, consistent with the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to section 1 of this act.

(b) ~~{Except as otherwise provided in subsection 4, 20 percent of any money in the Account as of January 1 of each year that is not used pursuant to paragraph (a) must be used for law enforcement, as recommended by the Office of Criminal Justice Assistance of the Department of Public Safety, or its successor, and any remaining portion of that money may be used as follows:~~

~~——(1) Sixty percent of the money may be used for projects relating to:~~

~~——(I)} To fund a reserve amount as provided in the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to section 1 of this act.~~

(c) Any money in the Account that is not used pursuant to paragraph (a) or (b) each fiscal year may be used by the Commission to award grants as provided in NRS 490.068 for projects relating to:

(1) Studies or planning for trails and facilities for use by owners and operators of off-highway vehicles. Money received pursuant to this ~~{sub-subparagraph}~~ subparagraph may be used to prepare environmental assessments and environmental impact studies that are required pursuant to 42 U.S.C. §§ 4321 et seq.

~~{(II)}~~ (2) The mapping and signing of those trails and facilities.

~~{(III)}~~ (3) The acquisition of land for those trails and facilities.

~~{(IV)}~~ (4) The enhancement ~~{and}~~ or maintenance, or both, of those trails and facilities.

~~{(V)}~~ (5) The construction of those trails and facilities.

~~{(VI)}~~ (6) The restoration of areas that have been damaged by the use of off-highway vehicles.

~~{(2) Fifteen percent of the money may be used for safety}~~

(7) The ~~prevention of~~ construction of trail features and features ancillary to a trail including, without limitation, a trailhead or a parking area near a trailhead, which minimize impacts to ~~important environmental~~ environmentally sensitive areas or important wildlife habitat ~~[that would be subject to damage by the use of off-highway vehicles.] areas.~~

(8) Safety training and education relating to *the use of* off-highway vehicles.

~~[4. If money is used for the projects described in paragraph (b) of subsection 3, not more than 30 percent of such money may be allocated to any one category of projects described in subparagraph (1) of that paragraph.]~~

(9) *Efforts to improve compliance with and enforcement of the requirements relating to off-highway vehicles.*

Sec. 9. NRS 490.082 is hereby amended to read as follows:

490.082 1. An owner of an off-highway vehicle that is acquired:

(a) Before July 1, 2011:

(1) May apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, shall, within 1 year after July 1, 2011, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.

(b) On or after July 1, 2011, shall, within 30 days after acquiring ownership of the off-highway vehicle:

(1) Apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.

(2) Except as otherwise provided in subsection 3, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle pursuant to this section or NRS 490.0825.

2. If an owner of an off-highway vehicle applies to the Department or to an authorized dealer for:

(a) A certificate of title for the off-highway vehicle, the owner shall submit to the Department or to the authorized dealer proof prescribed by the Department that he or she is the owner of the off-highway vehicle.

(b) Except as otherwise provided in NRS 490.0825, the registration of the off-highway vehicle, the owner shall submit:

(1) If ownership of the off-highway vehicle was obtained before July 1, 2011, proof prescribed by the Department:

(I) That he or she is the owner of the off-highway vehicle; and

(II) Of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle; or

(2) If ownership of the off-highway vehicle was obtained on or after July 1, 2011:

(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of the off-highway vehicle, or submit an affidavit indicating that he or she purchased the vehicle through a private party sale and no tax is due relating to the purchase of the off-highway vehicle; and

(II) Proof prescribed by the Department that he or she is the owner of the off-highway vehicle and of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

3. Registration of an off-highway vehicle is not required if the off-highway vehicle:

(a) Is owned and operated by:

(1) A federal agency;

(2) An agency of this State; or

(3) A county, incorporated city or unincorporated town in this State;

(b) Is part of the inventory of a dealer of off-highway vehicles and is affixed with a special plate provided to the off-highway vehicle dealer pursuant to NRS 490.0827;

(c) Is registered or certified in another state and is located in this State for not more than 15 days;

(d) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off-highway vehicle;

(e) Is used for work conducted by or at the direction of a public or private utility;

(f) Was manufactured before January 1, 1976;

(g) Is operated solely in an organized race, festival or other event that is conducted:

(1) Under the auspices of a sanctioning body; or

(2) By permit issued by a governmental entity having jurisdiction;

(h) Except as otherwise provided in paragraph (d), is operated or stored on private land or on public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event;

(i) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction; or

(j) Has a displacement of not more than 70 cubic centimeters.

➡ As used in this subsection, "sanctioning body" means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.

4. The registration of an off-highway vehicle pursuant to this section or NRS 490.0825 expires 1 year after its issuance. If an owner of an

off-highway vehicle fails to renew the registration of the off-highway vehicle before it expires, the registration may be reinstated upon the payment to the Department of the annual renewal fee, a late fee of ~~[\$25]~~ \$10 and, if applicable, proof of insurance required pursuant to NRS 490.0825. Any late fee collected by the Department must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

5. If a certificate of title or registration for an off-highway vehicle is lost or destroyed, the owner of the off-highway vehicle may apply to the Department by mail, or to an authorized dealer, for a duplicate certificate of title or registration. The Department may collect a fee to replace a certificate of title or registration certificate, sticker or decal that is lost, damaged or destroyed. Any such fee collected by the Department must be:

- (a) Set forth by the Department by regulation; and
- (b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.

6. The provisions of subsections 1 to 5, inclusive, do not apply to an owner of an off-highway vehicle who is not a resident of this State.

Sec. 10. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 11. 1. The terms of the members of the Commission on Off-Highway Vehicles who are appointed pursuant to paragraphs (f) and (g) and subparagraphs (2) and (4) of paragraph (h) of subsection 2 of NRS 490.067, as those provisions exist on June 30, 2017, expire on July 1, 2017.

2. On or before July 1, 2017, the Governor shall appoint to the Commission on Off-Highway Vehicles the members of the Commission on Off-Highway Vehicles specified in paragraph (f) and subparagraph (2) of paragraph (g) of subsection 2 of NRS 490.067, as amended by section 6 of this act, to initial terms of 3 years commencing on July 1, 2017.

Sec. 12. This act becomes effective:

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

2. On July 1, 2017, for all other purposes.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Amendment No. 950 to Assembly Bill No. 29 clarifies that grant funds may be used in OHV trail areas to minimize impacts to certain environmentally sensitive or important wildlife habitat areas through the development of trail features to sustain long-term OHV recreation, but grant funds may not be used to prohibit OHV use.

Amendment adopted.

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

Assembly Bill No. 362.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1049.

ASSEMBLYMEN TOLLES, WATKINS; BENITEZ-THOMPSON, DIAZ, KRASNER, MONROE-MORENO, OSCARSON, PICKARD, WHEELER, WOODBURY AND YEAGER

JOINT SPONSORS: SENATORS DENIS, FORD, GUSTAVSON, HAMMOND, HARRIS, GANSERT, ~~[AND]~~, SEGERBLOM, SPEARMAN AND WOODHOUSE

SUMMARY—Revises provisions relating to educational personnel. (BDR 34-1144)

AN ACT relating to education; prohibiting certain persons from assisting certain employees, contractors or agents who work at a public school to obtain new employment; prohibiting a local educational agency or public school from entering into certain agreements; requiring an applicant for employment who may have direct contact with pupils to provide certain information and written authorizations; requiring the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils and certain independent contractors to take certain action regarding persons who may have direct contact with children; requiring certain employers to provide certain information regarding an applicant for employment who may have direct contact with children; providing that an employer who fails to provide certain information regarding an applicant for employment who may have direct contact with children is subject to certain disciplinary action; providing that a teacher or administrator may be subject to disciplinary action for certain violations; authorizing the Superintendent of Public Instruction to deny an application for a license if a report on the criminal history of the applicant indicates that an applicant has been arrested for or charged with a sexual offense involving a minor or pupil; requiring the Superintendent ~~for Public Instruction~~ to provide certain notice when an application for a license is denied; requiring the Department of Education to maintain a list of the names of persons whose application for a license has been denied for certain purposes; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 6, 7 and 22 of this bill incorporate in state law certain provisions of federal law designed to prevent persons who have engaged in sexual misconduct with a minor from obtaining new employment.

Section 8 of this bill requires an applicant for employment with a school district, charter school, university school for profoundly gifted pupils and certain independent contractors who may have direct contact with pupils to provide to the prospective employer: (1) information relating to his or her employment history; and (2) written authorization for a current or previous employer to release information relating to his or her employment. Section 8

also provides that any action brought by such an applicant for employment based upon information obtained about the applicant to determine his or her fitness for employment must be brought in a court in this State and governed by the laws of this State. Finally, section 8 provides that an applicant for employment who knowingly provides false information or willfully fails to disclose information is subject to discipline and is guilty of a misdemeanor.

Section 9 of this bill requires the governing body of a public school, including the board of trustees of a school district, governing body of a charter school and governing body of a university school for profoundly gifted pupils, or an independent contractor who receives the information described in section 8 to: (1) verify the information received; (2) ensure that the applicant has a license authorizing him or her to teach or perform other educational functions if a license is required; and (3) verify that the Department of Education has not received notice that the applicant is a defendant in a criminal case.

Section 10 of this bill requires the governing body of a public school and an independent contractor to take certain action to obtain additional information if a current or previous employer of an applicant indicates that the applicant is or was the subject of an investigation concerning an alleged sexual offense.

Sections 9 and 10 also provide that any ~~person~~ employer or former employer who is contacted by the governing body of a public school or an independent contractor and asked to provide information, but willfully fails to disclose information is subject to discipline, including a civil penalty. Sections 9 and 10 further provide that, in addition to being subject to discipline, including a civil penalty, a private school that willfully fails to disclose any such information is subject to discipline, which may include being placed on a corrective action plan. Sections 9 and 10 provide immunity from liability for providing the information and makes the information privileged.

Section 11 of this bill authorizes the governing body of a public school and an independent contractor to: (1) consider the information received pursuant to sections 8-10 when making an employment decision; and (2) report the information received to certain entities. Section 11 also provides that the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor: (1) shall not be held liable for any damages resulting from failure of an entity not subject to the jurisdiction of this State to respond to certain requests for information or any inaccuracy or omission in the information submitted; and (2) is immune from civil or criminal liability for considering the information received pursuant to sections 8-10 when making employment decisions.

Section 12 of this bill requires an independent contractor who employs a person who may have direct contact with pupils to maintain a record for each such employee and, upon request, provide this record to the governing body



of the public school at which an employee has been assigned to perform work. Section 12 also: (1) requires an independent contractor to provide certain information to the governing body of a public school before assigning an employee to perform work at a location; and (2) prohibits an independent contractor from assigning an employee to perform work at a school if the governing body of the school objects to the assignment.

Section 13 of this bill authorizes the governing body of a public school to allow provisional employment of a person pending review of the information received pursuant to sections 8-10 in certain circumstances.

Section 14 of this bill provides that nothing in sections 2-17 of this bill shall be construed to: (1) prevent a prospective employer from conducting further investigations of a prospective employee; (2) prohibit a person from disclosing more information than is required by this bill; or (3) relieve a person of a duty to report prescribed by state or federal law.

Section 15 prohibits the governing body of a public school or an independent contractor from entering into any agreement that: (1) has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or sexual misconduct by a current or former employee; (2) affects the ability of the governing body or independent contractor to report suspected abuse or sexual misconduct; or (3) requires the governing body or independent contractor to expunge certain information from any documents maintained by the governing body or independent contractor. Section 15 also requires an employer to maintain certain documents if the agreement requires the removal of the document from an employee's personnel file.

Sections 16 and 21 provide that any information collected from an applicant for employment or an employer pursuant to sections 8-10 is confidential and is not a public book or record.

Section 17 provides that any person who willfully violates any provision of sections 2-17 is subject to a civil penalty, which must be recovered in a civil action. Section 17 also prohibits the governing body of a public school from contracting with an independent contractor who has been found to have willfully violated the provisions of sections 2-17. Section 19 provides that a teacher or administrator may be subject to disciplinary action for willfully violating the provisions of sections 2-17.

Existing law requires the Superintendent of Public Instruction to grant all licenses for teachers and other educational personnel. (NRS 391.033) Section 18 of this bill authorizes the Superintendent to deny an application for a license if a report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that an applicant has been arrested for or charged with a sexual offense involving a minor or pupil. Section 18 requires the Superintendent or his or her designee to provide written notice of his or her intent to deny the application for a license and authorizes an applicant to whom such notice has been provided to request a hearing within

15 days after receipt of such notice. Section 18: (1) requires such a hearing to be conducted in accordance with regulations adopted by the State Board; and (2) authorizes the Superintendent to deny a license if no request for a hearing is filed within the prescribed period of time.

Section 18 also requires the Superintendent to provide notice to a school district or charter school that employs an applicant whenever an application for a license is denied. ~~Section~~ Finally, section 18 ~~also~~ requires the Department of Education to: (1) maintain a list of the names of persons whose application for a license is denied due to conviction of a sexual offense involving a minor; and (2) provide such a list to certain persons upon request.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).*

Sec. 4. *"Sexual misconduct" means any act, including, without limitation, any verbal, nonverbal, written or electronic communication or physical activity, directed toward or with a child, regardless of the age of the child, that is designed to establish a romantic or sexual relationship with the child.*

Sec. 5. *"Sexual offense" has the meaning ascribed to it in NRS 179D.097.*

Sec. 6. 1. *Except as otherwise provided in subsection 2, the Department, a local educational agency or an employee, contractor or agent thereof who works at a public school shall not assist an employee, contractor or agent who works at a school to obtain new employment, apart from the routine transmission of administrative and personnel files, if the person or entity has actual or constructive knowledge that such an employee, contractor or agent has engaged in sexual misconduct regarding a minor or pupil.*

2. *The provisions of subsection 1 do not apply if:*

(a) *The information giving rise to actual or constructive knowledge has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and any other authorities required by federal, state or local law, including, without limitation, Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto, and the matter has been officially closed, or the District Attorney or law enforcement agency with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish that the employee,*

contractor or agent engaged in sexual misconduct regarding a minor or pupil;

(b) The employee, contractor or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or

(c) The case or investigation remains open and there have been no charges filed against, or indictment of, the employee, contractor or agent within 4 years after the date on which the information was reported to a law enforcement agency.

3. The State Board may adopt regulations to enforce the provisions of this section.

Sec. 7. A local educational agency or a public school shall not enter into any agreement with a person convicted of a sexual offense involving a minor to keep the conviction or the circumstances surrounding the offense confidential.

Sec. 8. 1. In addition to fulfilling the requirements for employment prescribed by NRS 388A.323, 388A.515, 388C.200, 391.104 or 391.281, as applicable, or fulfilling the requirements for the issuance of a license prescribed by NRS 391.033, any applicant for employment with a school district, charter school or university school for profoundly gifted pupils who may have direct contact with pupils must, as a condition to employment, submit to the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils with which the applicant seeks to obtain employment, on a form prescribed by the Department:

(a) The name, address and telephone number for the applicant's current employer, any former employer of the applicant that was a school or school district and any other former employer with whom the applicant was employed in a position that involved direct contact with children;

(b) Any other contact information for ~~the persons~~ an employer or former employer described in paragraph (a) prescribed by the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils with which the applicant seeks to obtain employment;

(c) Written authorization for ~~the persons~~ an employer or former employer described in paragraph (a) to release the information prescribed in section 9 of this act; and

(d) A written statement indicating whether the ~~person~~ applicant has:

(1) Except as otherwise provided in this subparagraph, been the subject of an investigation concerning an alleged sexual offense conducted by an employer, licensing agency, law enforcement agency, agency which provides child welfare services, agency which provides child protective services or a similar agency. ~~A person~~ The applicant is not required to provide the information described in this subparagraph if, after investigating the alleged violation, the employer or agency determined that the allegations were false, unfounded, unsubstantiated or inconclusive.

(2) *Been discharged, disciplined, had a contract not renewed, asked to resign from employment, resigned from employment or otherwise separated from employment while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation, and was found, upon conclusion of the investigation, to have committed the sexual offense.*

(3) *Had a license or certificate suspended or revoked or has been required to surrender a license or certificate while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.*

2. Any action brought by an applicant for employment described in subsection 1 against a board of trustees, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils, or an employee thereof, which is based upon information obtained by ~~the board of trustees of a school district, or the governing body of a charter school or the governing body of a university school for profoundly gifted pupils~~ with which the applicant seeks employment to determine the fitness of the applicant for employment, including, without limitation, an action for defamation, must be brought in a court in the State of Nevada and governed by the laws of this State. The provisions of this subsection shall not be deemed to waive any immunity from liability to which the board of trustees or governing body, as applicable, or employee thereof, is entitled.

3. An applicant for employment with an independent contractor of a school district, charter school or university school for profoundly gifted pupils who may have direct contact with pupils must, before having direct contact with pupils, submit to the independent contractor on a form prescribed by the Department:

(a) *The information described in paragraphs (a), (c) and (d) of subsection 1; and*

(b) *Any other contact information for the* ~~persons~~ employers and former employers *described in paragraph (a) of subsection 1 requested by the independent contractor with which the applicant seeks to obtain employment.*

4. Any applicant for employment described in subsection 1 or 3 who knowingly provides false information or willfully fails to disclose any information required by this section:

(a) *Is subject to discipline, including, without limitation, suspension or revocation of the person's license pursuant to NRS 391.330 or 391.750, termination of employment or a civil penalty pursuant to section 17 of this act; and*

(b) *Is guilty of a misdemeanor.*

Sec. 9. 1. Upon receipt of the information required by section 8 of this act, the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor shall:

(a) Contact each ~~person~~ employer and former employer described in paragraph (a) of subsection 1 of section 8 of this act and request that the ~~person~~ employer provide:

(1) The dates of employment of the applicant; and

(2) On a form prescribed by the Department, a written statement indicating whether the applicant has:

(I) Except as otherwise provided in this sub-subparagraph, been the subject of an investigation concerning an alleged sexual offense conducted by the employer. ~~A person~~ An employer or former employer is not required to provide the information described in this sub-subparagraph if, after investigating the alleged violation, the employer determined that the allegations were false, unfounded, unsubstantiated or inconclusive.

(II) Been discharged, disciplined, had a contract not renewed, asked to resign from employment, resigned from employment or otherwise separated from employment while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

(III) Had a license or certificate suspended or revoked or has been required to surrender a license or certificate while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.

(b) Ensure that the applicant has a license authorizing him or her to teach or perform other educational functions at the level and, except as otherwise provided in NRS 391.125, in the field for which he or she is applying for employment, if a license is required, and that the applicant is otherwise eligible for employment.

(c) Verify that the Department has not received notice, including, without limitation, notice provided pursuant to NRS 391.055, that the applicant is a defendant in a criminal case.

2. ~~A person~~ An employer or former employer contacted by a board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor pursuant to paragraph (a) of subsection 1:

(a) Shall provide the information requested not later than 20 days after the date on which the board of trustees, governing body or independent contractor contacts the ~~person~~ employer or former employer.

(b) Is immune from civil and criminal liability for any act relating to the provision of such information, unless the ~~person~~ employer or former employer knowingly provides false information. Such information is privileged and must not be used as the basis for any action against the person or entity that provided the information.

3. Except as otherwise prohibited by federal or state law, ~~a person who~~ an employer or former employer willfully fails to disclose any information

required by subsection 1 is subject to discipline, including, without limitation, a civil penalty pursuant to section 17 of this act.

4. In addition to the penalty set forth in subsection 3, a private school that willfully fails to disclose any information required by subsection 1 is subject to discipline, which may include, without limitation, being placed on a plan of corrective action by the Department.

Sec. 10. 1. If a statement provided pursuant to paragraph (d) of subsection 1 of section 8 of this act or subparagraph (2) of paragraph (a) of subsection 2 of section 9 of this act indicates that the ~~(person)~~ applicant meets any of the criteria prescribed in ~~(those paragraphs)~~ that paragraph or subparagraph, as applicable, the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor who receives the statement shall request ~~that~~ the employer that conducted the investigation concerning an alleged sexual offense, discharged, disciplined or dismissed the employee or asked the employee to resign from employment to provide additional information concerning the matter and all records related to the matter, including, without limitation, any documents relating to a disciplinary action taken against the employee, disciplinary records or documents used in the decision made by the employer concerning the investigation.

2. ~~[A person]~~ An employer contacted by the board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor pursuant to subsection 1:

(a) Except as otherwise provided in this subsection, shall provide the information requested not later than 60 days after the date on which the board of trustees, governing body or independent contractor contacts the ~~(person)~~ employer.

(b) Is not required to disclose any information or records held by the school police of the school district, if the school district has school police officers.

(c) Is immune from civil and criminal liability to the same extent provided in paragraph (b) of subsection 2 of section 9 of this act.

3. Except as otherwise prohibited by federal or state law, ~~(a person)~~ an employer who willfully fails to disclose any information required by subsection 1 is subject to discipline, including, without limitation, a civil penalty pursuant to section 17 of this act.

4. In addition to the penalty set forth in subsection 3, a private school that willfully fails to disclose any information required by subsection 1 is subject to discipline, which may include, without limitation, being placed on a plan of corrective action by the Department.

Sec. 11. The board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor:

1. *May consider the information submitted pursuant to sections 8, 9 and 10 of this act when deciding whether to employ an applicant or continue to employ a person.*

2. *May report the information submitted pursuant to sections 8, 9 and 10 of this act to the Department or a licensing agency, law enforcement agency, agency which provides child welfare services, agency which provides child protective services or a similar agency.*

3. *Shall not be held liable for any damages resulting from the failure of an entity not subject to the jurisdiction of this State to respond to a request for information pursuant to section 9 or 10 of this act or any inaccuracy or omission in the information submitted to the school district, charter school, university school for profoundly gifted pupils or independent contractor pursuant to section 9 or 10 of this act.*

4. *Is immune from civil or criminal liability for considering the information submitted pursuant to sections 8, 9 and 10 of this act when deciding whether to employ an applicant or continue to employ a person.*

Sec. 12. 1. *An independent contractor of a school district, charter school or university school for profoundly gifted pupils who employs a person who may have direct contact with pupils shall:*

(a) *Maintain a record for each such employee that includes, without limitation, the information submitted pursuant to subsection 2 of section 8 of this act and the information submitted pursuant to subsection 2 of section 9 of this act; and*

(b) *Upon request, provide the record maintained pursuant to paragraph (a) to the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, for the school at which an employee has been assigned to perform work.*

2. *Before assigning an employee to perform work at a location where the employee may have direct contact with pupils, an independent contractor shall inform the board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, with which the employee will be assigned to perform work of any instance known in which the employee:*

(a) *Except as otherwise provided in this paragraph, has been the subject of an investigation concerning an alleged sexual offense conducted by an employer. A person is not required to provide the information described in this paragraph if, after investigating the alleged violation, the employer determined that the allegations were false, unfounded, unsubstantiated or inconclusive.*

(b) *Has ever been discharged, disciplined, had a contract not renewed, asked to resign from employment, resigned from employment or otherwise separated from employment while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and*

*was found, upon conclusion of the investigation, to have committed the sexual offense.*

*(c) Had a license or certificate suspended or revoked or has been required to surrender a license or certificate while an investigation concerning an alleged sexual offense was pending or upon conclusion of such an investigation and was found, upon conclusion of the investigation, to have committed the sexual offense.*

*3. An independent contractor may not assign an employee to perform work at a public school, charter school or university school for profoundly gifted pupils if the board of trustees of the school district in which the school is located, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, objects to such an assignment upon receiving the notification required by subsection 2.*

*Sec. 13. The board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils may authorize provisional employment of a person for a period not to exceed 90 days pending the review of information submitted pursuant to sections 8, 9 and 10 of this act if the board of trustees or the governing body determines the applicant is otherwise qualified and:*

*1. The applicant provided the statement described in paragraph (d) of subsection 1 of section 8 of this act.*

*2. The board of trustees of the school district, governing body of the charter school or governing body of the university school for profoundly gifted pupils, as applicable, has no knowledge of information pertaining to the applicant that would disqualify the applicant from employment.*

*3. The applicant swears or affirms that he or she is not disqualified from employment.*

*4. The applicant is directly supervised by a permanent employee in any duties that involve direct contact with pupils. The supervision must be such that the applicant is in the immediate location of the permanent employee and is readily available during such times as supervision is required.*

*Sec. 14. Nothing in sections 2 to 17, inclusive, of this act shall be construed to:*

*1. Prevent a board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly gifted pupils or independent contractor from:*

*(a) Conducting further investigations of a prospective employee; or*

*(b) Requiring an applicant to submit additional information or authorizations beyond what is required by sections 8, 9 and 10 of this act.*

*2. Prohibit a person or governmental entity from disclosing more information than is required by sections 8, 9 and 10 of this act.*

*3. Relieve a person of a duty to report prescribed by NRS 432B.220 or any other provision of state or federal law.*

*Sec. 15. 1. The board of trustees of a school district, governing body of a charter school, governing body of a university school for profoundly*



*gifted pupils or the independent contractor of a school district, charter school or university school for profoundly gifted pupils shall not enter into an agreement that:*

*(a) Has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or sexual misconduct by a current or former employee.*

*(b) Affects the ability of the school district, charter school, university school for profoundly gifted pupils or independent contractor to report suspected abuse or sexual misconduct to the appropriate authorities.*

*(c) Requires the school district, charter school, university school for profoundly gifted pupils or independent contractor to expunge information about allegations or findings of suspected abuse or sexual misconduct from any documents maintained by the school district, charter school, university school for profoundly gifted pupils or independent contractor unless, after investigating the alleged violation, the school district, charter school, university school for profoundly gifted pupils or independent contractor determines that the allegations were false, unfounded, unsubstantiated or inconclusive.*

*2. If an agreement requires the removal of a document from the personnel file of an employee, the employer must maintain the document with the agreement.*

*3. Any provisions in an agreement that violate the provisions of this section are void.*

*Sec. 16. Any information collected pursuant to section 8, 9 or 10 of this act is confidential and is not a public book or record within the meaning of NRS 239.010.*

*Sec. 17. 1. Any person who willfully violates any provision of sections 2 to 17, inclusive, of this act is subject to a civil penalty of not more than \$10,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General. In such an action, the Attorney General may recover reasonable attorney's fees and costs. If a civil penalty is imposed against an independent contractor for willfully violating any provision of sections 2 to 17, inclusive, of this act, the Attorney General shall, within 30 days after the imposition of the civil penalty, notify the Department of the name of the independent contractor.*

*2. The Department shall maintain a list of any independent contractors who have been found to have willfully violated the provisions of sections 2 to 17, inclusive, of this act and make the list available, upon request, to the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils.*

*3. The board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils shall not contract with an independent contractor who has been found to have willfully violated the provisions of sections 2 to 17, inclusive, of this act.*

Sec. 18. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application a 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 7 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. ~~1A~~ Except as otherwise provided in subsection 6, 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.

6. The Superintendent may deny an application for a license pursuant to this section if a report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that the applicant has been arrested for or charged with a sexual offense involving a minor or pupil, including, without limitation, any attempt, solicitation or conspiracy to commit such an offense.

7. The Superintendent or his or her designee may deny the application for a license after providing written notice of his or her intent to deny the application to the applicant and providing an opportunity for the applicant to have a hearing.

8. To request a hearing pursuant to subsection 7, an applicant must submit a written request to the Superintendent within 15 days after receipt of

the notice by the applicant. Such a hearing must be conducted in accordance with regulations adopted by the State Board. If no request for a hearing is filed within that time, the Superintendent may deny the license.

9. *If the Superintendent denies an application for a license pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such a notice must not state the reasons for denial.*

~~7.7~~ 10. *The Department shall:*

(a) *Maintain a list of the names of persons whose ~~application~~ applications for a license ~~has~~ are denied due to conviction of a sexual offense involving a minor;*

(b) *Update the list maintained pursuant to paragraph (a) monthly; and*

(c) *Provide this list to the board of trustees of a school district or the governing body of a charter school upon request.*

~~8.7~~ 11. *As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.*

Sec. 19. NRS 391.750 is hereby amended to read as follows:

391.750 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

- (p) Dishonesty;
- (q) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275;
- (r) An intentional violation of NRS 388.497 or 388.499;
- (s) Knowingly and willfully failing to comply with the provisions of NRS 388.1351;
- (t) *Knowingly and willfully violating any provision of sections 2 to 17, inclusive, of this act;*
- (u) Gross misconduct; or
- ~~[(u)]~~ (v) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. If a teacher or administrator is found, through an investigation of a testing irregularity, to have willfully breached the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105 or 390.600 or the college and career readiness assessment administered pursuant to NRS 390.610, the board of trustees of a school district, governing body of a charter school or governing body of a university school for profoundly gifted pupils, as applicable, shall:

- (a) Suspend, dismiss or fail to reemploy the teacher; or
- (b) Demote, suspend, dismiss or fail to reemploy the administrator.

3. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

4. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 20. NRS 391.755 is hereby amended to read as follows:

391.755 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of NRS 391.750, the administrator shall:

(a) Except as otherwise provided in subsection 3, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; and

(b) Except as otherwise provided in NRS 391.760, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

↪ The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for the employee by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his or her employment will be terminated pursuant to NRS 391.820.

4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.650 to 391.830, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h), (p), (s) , ~~and~~ (t) and (u) of subsection 1 of NRS 391.750.

Sec. 21. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264,

392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 16 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 22. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug

exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children ~~and~~, *including, without limitation, a person who is employed by a school district or public school as defined in NRS 385.007.*

5. A report may be made by any other person.



6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 23. The provisions of section 15 of this act do not apply to any agreement entered into before July 1, 2017, until the agreement is extended or renewed.

Sec. 24. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 25. This act becomes effective on July 1, 2017.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

This amendment to Assembly Bill No. 362 provides the State Superintendent with latitude to deny licensure to an educator who has been arrested for or charged with any crime involving sexual misconduct with a minor or student. It also adds to the bill as sponsors Senators Ford, Denis, Segerblom, Spearman, Woodhouse, Hammond, Harris, Gustavson and Assembly Members Diaz and Monroe-Moreno.

Amendment adopted.

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

Assembly Bill No. 505.

Bill read second time and ordered to third reading.

Assembly Bill No. 506.

Bill read second time and ordered to third reading.

Assembly Bill No. 507.

Bill read second time and ordered to third reading.

Assembly Bill No. 508.

Bill read second time and ordered to third reading.

Assembly Bill No. 509.

Bill read second time and ordered to third reading.

Assembly Bill No. 510.

Bill read second time and ordered to third reading.

Assembly Bill No. 517.

Bill read second time and ordered to third reading.

Assembly Bill No. 518.

Bill read second time and ordered to third reading.

Senate Bill No. 155.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1117.

SUMMARY—Makes an appropriation for educational leadership training programs. (BDR S-1)

AN ACT making an appropriation for the implementation and operation of educational leadership training programs; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of ~~Administration~~ Education to contract with the

Clark County Public Education Foundation, Inc. for the implementation and operation of educational leadership training programs the following sums:

For the Fiscal Year 2017-2018.....~~[\$1,000,000]~~ \$500,000

For the Fiscal Year 2018-2019.....~~[\$1,000,000]~~ \$500,000

2. The money appropriated by subsection 1 is contingent upon matching money being provided by the Clark County Public Education Foundation, Inc. or from sources other than the appropriation made by subsection 1. The Department of ~~Administration~~ Education shall not distribute any money from the appropriation made by subsection 1 until the matching money has been committed.

Sec. 2. 1. The Clark County Public Education Foundation, Inc. shall work in cooperation with the 17 school districts, other public education foundations in this State and other partners to design and implement educational leadership training programs.

2. The Clark County Public Education Foundation, Inc. shall use the money it receives from the appropriation made by section 1 of this act to implement and operate educational leadership training programs, including, without limitation:

- (a) Personnel for the programs;
- (b) Resources necessary to facilitate in-person and virtual instruction;
- (c) Research related to the design and impact of a curriculum;
- (d) Communication with education leaders throughout the State; and
- (e) Data systems for the reporting of participation and results.

Sec. 3. Upon acceptance of the money appropriated by section 1 of this act, the Clark County Public Education Foundation, Inc. ~~shall~~ agrees to:

1. Prepare and transmit a report to the Interim Finance Committee on or before ~~December~~ September 21, 2018, that describes each expenditure made from the money appropriated by section 1 of this act from the date on which the money was received by the Clark County Public Education Foundation, Inc. through ~~December 1,~~ June 30, 2018;

2. Prepare and transmit a final report to the Interim Finance Committee on or before September 20, 2019, that describes each expenditure made from the money appropriated by section 1 of this act from the date on which the money was received by the Clark County Public Education Foundation, Inc. through June 30, 2019; and

3. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Clark County Public Education Foundation, Inc., regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by section 1 of this act.

Sec. 4. Any balance of the sums appropriated by section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the

appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2018, and September 20, 2019, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2018, and September 20, 2019, respectively.

Sec. 5. This act becomes effective upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this act and on July 1, 2017, for all other purposes.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1117 makes various changes to Senate Bill No. 155. This amendment provides the General Fund appropriations of \$500,000 per year each year of the 2017-2019 biennium to the Department of Education instead of the Department of Administration; revises the dates for the first expenditure report due to the Interim Finance Committee to include expenditures through June 30, 2018, and requires this report to be submitted no later than September 21, 2018.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Motion carried.

Senate in recess at 10:55 p.m.

#### SENATE IN SESSION

At 11:21 p.m.

President Hutchison presiding.

Quorum present.

#### MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 2, 2017

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 520, 521, 522.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 434.

CAROL AIELLO-SALA

*Assistant Chief Clerk of the Assembly*

#### INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 434.

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

Motion carried.

Assembly Bill No. 520.

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

Motion carried.

Assembly Bill No. 521.

Senator Atkinson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 522.

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

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Assembly Bills Nos. 181, 278; Assembly Concurrent Resolution No. 9.

Senator Ford moved that the Senate adjourn until Saturday, June 3, 2017, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:24 p.m.

Approved:

MARK A. HUTCHISON

*President of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*