THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 22, 2023

Senate called to order at 11:28 a.m.

President Anthony presiding.

Roll called.

All present except Senator Cannizzaro, who was excused.

Prayer by the Chaplain, Pastor Chase Ward.

Lord, in Your Word it says:

> First of all, then, I urge that supplications, prayers, intercessions and thanksgivings be made for all people, for kings and all who are in high positions, that we may lead a peaceful and quiet life, godly and dignified in every way.

Today, we pray for wisdom and direction, for clarity and for what is good. May You lead these public servants as they make decisions for the well-being of our State and its residents.

We ask that You would lead these men and women as they seek what is best. May You give them insight and wisdom beyond their experience; bring them into agreement and peace.

We ask for Your presence and Your blessing. Thank You for leading.

In Jesus' Name,

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 120, 342, 343, 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Education, to which were referred Assembly Bills Nos. 264, 339, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERTA LANGE, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bill No. 446; Assembly Bills Nos. 97, 177, 225, 235, 333, 361, 378, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 33, 60, 214, 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 101, 309, 414, 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELANIE SCHEIBLE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 19, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 27, 42, 44, 66.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Speaker Yeager.
For: Senate Bill No. 294.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Friday, May 19, 2023.

NICOLE CANNIZZARO
Senate Majority Leader

STEVE YEAGER
Speaker of the Assembly

A Waiver requested by Speaker Yeager.
For: Senate Bill No. 371.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Friday, May 19, 2023.

NICOLE CANNIZZARO
Senate Majority Leader

STEVE YEAGER
Speaker of the Assembly

A Waiver requested by Senator Cannizzaro.
For: Assembly Bill No. 330.
To Waive:

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Friday, May 19, 2023.

NICOLE CANNIZZARO
Senate Majority Leader

STEVE YEAGER
Speaker of the Assembly

NOTICE OF EXEMPTION

May 21, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 35.

SARAH COFFMAN
Fiscal Analysis Division

May 22, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 388.

SARAH COFFMAN
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro appointed Senator Lange to serve as an alternate committee member on the Committee on Finance and the Committee on Legislative Operations and Elections with full committee privileges for Senator Cannizzaro until further notice per Senate Standing Rule No. 41.

Senator Lange moved that, for the remainder of the 82nd Legislative Session, all necessary rules be suspended, and that all bills and resolutions just reported out of committee be immediately placed on the appropriate reading files, next agenda, time permitting.

Remarks by Senator Lange.

This suspension will allow all bills and resolutions to be considered the same day they are reported out of committee.

Motion carried.

Senator Lange moved that, for the remainder of the 82nd Legislative Session, all necessary rules be suspended, and that the reprinting of all bills and resolutions amended on the General File or the Resolution File be dispensed with, that the Secretary be authorized to insert all amendments adopted by the Senate, and that the bill or resolution be placed back on the appropriate reading file and considered next.

Remarks by Senator Lange.

This suspension will eliminate the need to wait for a reprint from the Legal Division before the Senate can vote on the passage or adoption of an amended legislative measure.

Motion carried.

Senator Lange moved that, for the remainder of the 82nd Legislative Session, Senate Standing Rule No. 92 be suspended.

Remarks by Senator Lange.

Senate Standing Rule No. 92 pertains to notices of committee meetings. This suspension will allow greater flexibility for committees to schedule hearings to consider exempt Assembly measures that may still need hearings in Senate committees and to consider Senate bills that have been amended by the Assembly.

Motion carried.

Senator Lange moved that, for the remainder of the 82nd Legislative Session, all necessary rules be suspended, and that all Senate bills and resolutions that have been passed or adopted by the Senate be immediately transmitted to the Assembly, time permitting.

Remarks by Senator Lange.

Immediately transmitting all Senate measures provides the Assembly an opportunity to begin processing these measures the same day they are acted upon by the Senate. The President will announce the transmittal of Senate bills and resolutions each time, which provides members the opportunity to reconsider or rescind the Senate's action. Once measures have been transmitted to the Assembly, the Senate no longer has jurisdiction to take further action.

Motion carried.

Senator Lange moved that, for the remainder of the 82nd Legislative Session, all necessary rules be suspended, and that all Assembly bills and resolutions that have been passed or adopted with Senate amendments be immediately transmitted to the Assembly, time permitting.

Remarks by Senator Lange.

Immediately transmitting Assembly measures with Senate amendments provides the Assembly an opportunity to consider these measures under the Unfinished Business File. The President will announce the transmittal of these measures each time, which will provide members an opportunity to reconsider or rescind the Senate's action. Once measures have been transmitted to the assembly, the Senate no longer has jurisdiction to take further action.

Motion carried.

Senator Lange moved that Assembly Joint Resolutions Nos. 1, 5 and 8; Assembly Joint Resolution No. 1 from the 81st Session; and Assembly Concurrent Resolution No. 5 be taken from their positions on the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

Senator Lange moved that Senate Bills Nos. 282 and 367 and Assembly Bills Nos. 11, 32, 35, 44, 76, 107, 110, 116, 118, 124, 131, 146, 162, 164, 183, 189, 251, 275, 282, 289, 291, 298, 311, 318, 350, 359, 407 and 464 be taken from their positions on the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Lange moved that Assembly Bill No. 17 be taken from the General File and placed on the Secretary's Desk.

Remarks by Senator Lange.

This is for purposes of an amendment.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 502—AN ACT relating to taxation; revising the applicability and calculation of the commerce tax; providing a discount on a certain portion of the excise taxes on motor vehicle fuel, other than aviation fuel, imposed by the State during Fiscal Year 2023-2024; making appropriations; and providing other matters properly relating thereto.

Senator Dondero Loop moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 581.

SUMMARY—Makes an appropriation to the Other State Education Programs Account for the creation and maintenance of school gardens. (BDR S-557)

AN ACT making an appropriation to the Other State Education Programs Account for allocation to nonprofit organizations to provide programs for the creation and maintenance of school gardens for public schools; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Other State Education Programs Account in the State General Fund for the cost of creating and maintaining programs for school gardens that meet the requirements of subsection 3 the following sums:

For the Fiscal Year 2023-2024 .....$1,500,000

For the Fiscal Year 2024-2025 .....$1,500,000

2. The Department of Education shall allocate the money appropriated by subsection 1 to nonprofit organizations to provide at public schools programs for school gardens which meet the requirements set forth in subsection 3. In making allocations pursuant to this subsection, the Department shall allocate not less than 80 percent of the money appropriated pursuant to subsection 1 to fund programs for a school garden which will be implemented at Title I schools, as defined in NRS 385A.040.

3. For a nonprofit organization to receive an allocation of money to provide a program for a school garden pursuant to subsection 2, the program must:

(a) Create and maintain a school garden at the school.

(b) Have a curriculum that:

(1) Includes a comprehensive science, technology, engineering, arts and mathematics school garden program. Such a program must include, without limitation, a science, technology, engineering, arts and mathematics curriculum for outdoor or hydroponic gardens for pupils in prekindergarten, kindergarten ~~[through grade 5]~~ and grades 1 through 12 that is tailored to pupils of the appropriate grade levels at the school.

(2) Is written specifically for Nevada and the desert environment of Nevada.

(3) Complies with the standards of content and performance for a course of study in science adopted by the State Board of Education pursuant to NRS 389.520.

(4) Uses experiential learning or project-based learning to teach science, technology, engineering, arts and mathematics.

(5) Is designed with the assistance of teachers and other educational personnel with experience at the appropriate grade levels at the school.

(6) Involves supervised learning experiences for the pupils at the school in a classroom and a school garden.

(c) Provide the school with assistance from members of the community, including, without limitation, trained educators, local farmers and local chefs.

(d) Provide pupils with the:

(1) Ability to operate a farmers' market to sell the produce from the school garden; and

(2) Opportunity to have a local chef or employee of a school who works in food services demonstrate how to cook a meal using the produce grown from the school garden.

(e) Establish garden teams comprised of teachers and, if such persons are available, parents and members of the community. Each garden team shall meet at least once each month.

(f) Require any local nonprofit or community-based organization which will provide services to implement the program for a school garden to have at least 2 years of experience implementing such a program.

(g) Be identified as a high-quality science, technology, engineering and mathematics program by the ~~[Advisory Council on Science, Technology, Engineering and Mathematics, pursuant to the implementation of the strategic plan for the development of educational resources in the fields of science, technology, engineering and mathematics developed pursuant to NRS 223.650.]~~ Office of Science, Innovation and Technology.

4. Money allocated pursuant to subsection 2 may be used to:

(a) Provide professional development for teachers regarding the:

(1) Use of a school garden to teach pupils with disabilities, including, without limitation, training for teaching such pupils science, technology, engineering, arts and mathematics curriculum and vocational training to create a career path in horticulture;

(2) Development and implementation of science, technology, engineering, arts and mathematics curricula that incorporate the use of a school garden;

(3) Development and implementation of training that may be provided to a group or individually to teachers in how to establish and maintain school gardens to increase the time teachers allocate to teaching science, technology, engineering, arts and mathematics; and

(4) Development and implementation of a food safety plan designed to ensure that food grown in a school garden is properly handled and safe to sell and consume;

(b) Pay for any travel expenses associated with the attendance of a teacher at any training or conference relating to school gardens; and

(c) Pay for the costs of a conference regarding school gardens held in this State.

5. As used in this section:

(a) "Public school" has the meaning ascribed to it in NRS 385.007.

(b) "School garden" includes, without limitation, a hydroponic garden.

Sec. 2. Upon acceptance of the money allocated pursuant to section 1 of this act, a nonprofit organization agrees to:

1. Prepare and transmit a report to the Interim Finance Committee on or before October 1, 2024, that describes each expenditure made from the money allocated pursuant to section 1 of this act from the date on which the money was received by the nonprofit organization through June 30, 2024;

2. Prepare and transmit a final report to the Interim Finance Committee on or before October 1, 2025, that describes each expenditure made from the money allocated pursuant to section 1 of this act from the date on which the money was received by the nonprofit organization through June 30, 2025; and

3. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the nonprofit organization, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money allocated pursuant to section 1 of this act.

Sec. 3. Any balance of the sums appropriated by 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 20, 2024, and September 19, 2025, 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 20, 2024, and September 19, 2025, respectively.

Sec. 4. This act becomes effective on July 1, 2023.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 581 to Senate Bill No. 244 revises section 1, subsection 3(b)(1), to replace kindergarten through grade 5 with prekindergarten, kindergarten and grades 1 through 12, for which a school garden program must include, without limitation, a science, technology, engineering, arts and mathematics curriculum for outdoor or hydroponic gardens that is tailored to pupils of the appropriate grade levels at the school. Additionally, Amendment No. 581 to Senate Bill No. 244 revises section 1, subsection 3(g), to replace the Advisory Council on Science, Technology, Engineering and Mathematics with the Office of Science, Innovation and Technology as the entity to identify high-quality science, technology, engineering and mathematics programs eligible to receive funding for a school garden program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 13.

Bill read second time and ordered to third reading.

Assembly Bill No. 20.

Bill read second time and ordered to third reading.

Assembly Bill No. 53.

Bill read second time and ordered to third reading.

Assembly Bill No. 91.
Bill read second time and ordered to third reading.

Assembly Bill No. 98.
Bill read second time and ordered to third reading.

Assembly Bill No. 100.
Bill read second time and ordered to third reading.

Assembly Bill No. 122.
Bill read second time and ordered to third reading.

Assembly Bill No. 126.
Bill read second time and ordered to third reading.

Assembly Bill No. 154.
Bill read second time and ordered to third reading.

Assembly Bill No. 159.
Bill read second time and ordered to third reading.

Assembly Bill No. 210.
Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 575.

SUMMARY—Revises provisions governing public works. (BDR 28-832)

AN ACT relating to public works; requiring a contractor on a public work to provide a worker with written or electronic notice of certain information; requiring a person found by the Labor Commissioner to have willfully and repeatedly failed to pay prevailing wages to a worker to pay certain damages to the affected worker; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every contract to which a public body of this State is a party that requires the employment of certain skilled, semiskilled and unskilled workers to contain in express terms the hourly and daily rate of wages to be paid to each class of applicable workers. The hourly and daily rate must not be less than the prevailing wage in the region in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020, 338.030) Section 5.5 of this bill requires each contractor engaged on a public work to provide his or her workers ~~[assigned to the public work with]~~ at the time of hire a written or electronic notice that sets forth: (1) the Internet website of the Labor Commissioner where the prevailing wage rates for the public work project are posted; (2) the name of the contractor; and (3) the physical address of the principal place of business of the contractor. Section 5.5 further requires the contractor to obtain ~~[from each worker]~~ a written or electronic acknowledgment of receipt of ~~[the]~~ any notice, to be maintained by the

contractor for a period of at least 2 years and made available to the Labor Commissioner upon request.

Existing law requires, with certain exception, the Labor Commissioner, after an opportunity for a hearing, to assess a person found to have failed to pay the required prevailing wage an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid. (NRS 338.090) Section 6 of this bill requires, without exception, a person found to have willfully and repeatedly failed to pay the prevailing wage to pay an affected worker damages in an amount that is equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid to the affected worker.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5.5, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.5. *1. A contractor engaged on a public work shall provide to his or her workers ~~[assigned to the public work]~~ at the time of hire a written or electronic notice that includes, without limitation:*

(a) The Internet website of the Labor Commissioner where the prevailing wage rates for the public work are posted;

(b) The name of the contractor; and

(c) The physical address of the principal place of business of the contractor.

2. A contractor shall obtain a written or electronic acknowledgement of receipt of ~~[the]~~ any notice pursuant to this section . ~~[from each worker assigned to the public work. Each]~~ The acknowledgement of notice must be maintained by the contractor for at least 2 years, made available to the Labor Commissioner upon request and include, without limitation:

(a) The worker's name, contact information and signature; and

(b) The date on which the worker received the notice.

Sec. 6. NRS 338.090 is hereby amended to read as follows:

338.090 1. Except as otherwise provided in subsection 5, any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:

(a) Shall, except as otherwise provided in subsection 4, assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount

equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; ~~[and]~~

(b) *Shall require a person found to have willfully and repeatedly failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, to pay damages to each affected worker in an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid to the worker; and*

(c) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.

3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.

4. The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.

5. The provisions of subsection 1 do not apply to a subcontractor specified in NRS 338.072.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 575 to Assembly Bill No. 210 clarifies that the written or electronic notice must be provided at the time of hire.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 227.

Bill read second time and ordered to third reading.

Assembly Bill No. 286.

Bill read second time and ordered to third reading.

Assembly Bill No. 366.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 577.

SUMMARY—Revises provisions governing the Keep Nevada Working Task Force. (BDR 18-1056)

AN ACT relating to governmental administration; moving the Keep Nevada Working Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State; revising the membership of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Keep Nevada Working Act and creates the Keep Nevada Working Task Force within the Office of the Lieutenant Governor. (NRS 224.320) Existing law further prescribes the duties of the Task Force, which include, without limitation: (1) developing strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State; (2) conducting research on methods to strengthen career pathways for immigrants and create enhanced partnerships with projected growth industries; (3) supporting the efforts of certain groups and entities to provide predictability and stability to the workforce in this State; (4) recommending approaches to improve the ability of this State to attract and retain immigrant business owners that provide new business and trade opportunities; and (5) entering into a contract with a consultant to perform research necessary to carry out the duties of the Task Force. (NRS 224.340)

Sections 2-6 and 11 of this bill: (1) move the Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State; (2) set forth the membership of the Task Force, with certain changes from the current Task Force; and (3) set forth the duties of the Task Force, which are the same duties of the current Task Force. Sections 7 and 8 of this bill make technical changes to internal references to provisions of the Nevada Revised Statutes related to moving the Task Force into the Office of the Secretary of State.

Section 9 of this bill provides that membership of the existing Task Force continue to serve as members until the membership is appointed pursuant to section 4 of this bill.

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

Section 1. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *Sections 2 to 6, inclusive, of this act may be cited as the Keep Nevada Working Act.*

Sec. 3. *As used in sections 2 to 6, inclusive, of this act, "Task Force" means the Keep Nevada Working Task Force created by section 4 of this act.*

Sec. 4. *1. The Keep Nevada Working Task Force is hereby created within the Office of the Secretary of State.*

2. The Task Force consists of:

(a) The Secretary of State, or his or her designee;

(b) Eight members appointed by the Secretary of State; and

(c) One member appointed by the Lieutenant Governor.

3. The Secretary of State shall appoint the following persons to serve on the Task Force:

(a) One person who represents an immigrant advocacy group.

(b) One person who represents a chamber of commerce in this State.

(c) One person who represents a labor organization . ~~[with a statewide presence.]~~

(d) One person who represents a local workforce board in this State.

(e) One person who represents a bar association or like association of lawyers which is involved in the advocacy of immigrants.

(f) One person who represents a small business that employs 50 or fewer full-time or part-time employees.

(g) One person who represents a state agency that works on immigrant workforce development.

(h) One person who represents an institution of higher education.

4. The members of the Task Force shall serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

5. The members of the Task Force serve without compensation.

Sec. 5. *1. At the first meeting of each fiscal year, the Task Force shall elect from its members a Chair and a Vice Chair.*

2. The Task Force shall meet at least once each quarter.

3. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of these members present at the meeting is sufficient for any official action taken by the Task Force.

Sec. 6. *1. The Task Force may:*

(a) Develop strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State.

(b) Conduct research on methods to strengthen career pathways for immigrants and create enhanced partnerships with projected growth industries.

(c) Support the efforts of business leadership, civic groups, government and immigrant advocacy groups to provide predictability and stability to the workforce in this State.

(d) Recommend approaches to improve the ability of this State to attract and retain immigrant business owners that provide new business and trade opportunities.

(e) Enter into a contract with a consultant to perform research necessary to carry out the duties of the Task Force.

2. The Task Force may create subcommittees to the Task Force for any purpose that is consistent with the duties of the Task Force. If a subcommittee is created:

(a) The Task Force shall appoint the members of the subcommittee and designate one of the members of the subcommittee as chair of the

subcommittee. The chair of the subcommittee must be a member of the Task Force.

(b) The subcommittee shall meet at the times and places specified by a call of the chair of the subcommittee. A majority of the members of the subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the subcommittee.

3. On or before July 1, 2024, and on or before July 1 of each subsequent year, the Task Force shall submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation.

4. The Secretary of State may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of sections 2 to 6, inclusive, of this act.

5. The Office of the Secretary of State shall provide personnel, facilities, equipment, funding and supplies as required by the Task Force to carry out its duties.

6. Each agency, board, commission, department, officer, employee or agent of this State, or a political subdivision thereof, shall provide the Task Force with such assistance as the Task Force may reasonably require in discharging its duties.

Sec. 7. NRS 228.206 is hereby amended to read as follows:

228.206 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by ~~[NRS 224.320,]~~ *section 4 of this act,* publish model policies which provide guidance and training recommendations to state or local law enforcement agencies. The model policies must prioritize guidance and training recommendations which:

(a) Foster trust between the community and state or local law enforcement agencies; and

(b) Limit, to the fullest extent practicable and consistent with any applicable law, the engagement of state or local law enforcement agencies with federal immigration authorities for the purpose of immigration enforcement.

2. Each state or local law enforcement agency shall:

(a) Adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1; or

(b) Notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General.

3. The notification described in paragraph (b) of subsection 2 must include, without limitation:

(a) The reason that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General; and

(b) A copy of the policies of the state or local law enforcement agency.

4. As used in this section, "state or local law enforcement agency" means:

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

(b) A metropolitan police department;

(c) A police department of an incorporated city;

(d) Any entity authorized to operate a prison, jail or detention facility, including, without limitation, any facility for the detention of juveniles;

(e) The Division of Parole and Probation of the Department of Public Safety;

(f) Any department of alternative sentencing; and

(g) Any other state or local agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:

(1) Has a duty to enforce the law; and

(2) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 8. NRS 228.208 is hereby amended to read as follows:

228.208 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by ~~[NRS 224.320,]~~ *section 4 of this act*, publish model policies for limiting, to the fullest extent possible and consistent with any applicable law, immigration enforcement at public schools, institutions of higher education, health care facilities and courthouses to ensure that such places remain safe and accessible to residents of this State regardless of the immigration status or citizenship of such persons.

2. Each public school, institution of higher education, health care facility and courthouse in this State shall:

(a) Adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1; or

(b) Notify the Attorney General that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General.

3. Any organization that provides services relating to physical or mental health and wellness, education or access to justice is encouraged to adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1.

4. The notification described in paragraph (b) of subsection 2 must include, without limitation:

(a) The reason that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General; and

(b) A copy of the policies of the public school, institution of higher education, health care facility or courthouse, as applicable.

5. A policy adopted pursuant to this section must comply with:

(a) Any applicable law;

(b) Any policy, grant, waiver or other requirement necessary to maintain the funding of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable; and

(c) Any agreement related to the operation and functions of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable.

6. As used in this section:

(a) "Health care facility" means a facility licensed pursuant to chapter 449 of NRS and which is operated by this State or a political subdivision thereof.

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

(c) "Public school" means any school described in NRS 388.020.

Sec. 9. 1. The persons who are members of the Keep Nevada Working Task Force on July 1, 2023, continue to serve as members until the Secretary of State appoints members to the Task Force pursuant to section 4 of this act.

2. Nothing in this act prohibits the Secretary of State from appointing a person to the Keep Nevada Working Task Force who was appointed to the Task Force by the Lieutenant Governor pursuant to NRS 224.320, as that section existed on June 30, 2023, if the person meets the qualifications for appointment pursuant to section 4 of this act.

Sec. 10. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 11. NRS 224.300, 224.310, 224.320, 224.330 and 224.340 are hereby repealed.

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 11, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of appointing members to the Keep Nevada Working Task Force created by section 4 of this act and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2023, for all other purposes.

LEADLINES OF REPEALED SECTIONS

224.300 Short title.

224.310 "Task Force" defined.

224.320 Creation; membership; terms and reappointment of members; vacancies; service without compensation.

224.330 Election of Chair and Vice Chair; frequency and location of meetings; quorum.

224.340 Powers; annual report to Legislative Commission; acceptance of gifts, grants and donations; operational support; assistance from public agencies.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 577 to Assembly Bill No. 366 removes "statewide" as a qualifying requirement for a representative from labor.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 394.

Bill read second time and ordered to third reading.

Assembly Bill No. 424.

Bill read second time and ordered to third reading.

Assembly Bill No. 455.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 273.

Bill read third time.

Remarks by Senator Lange.

Senate Bill No. 273 changes the name of Nevada State College to Nevada State University while maintaining the institution's status as a state college for all other purposes and directs the Board of Regents of the University of Nevada to take such steps necessary to implement the name change.

Roll call on Senate Bill No. 273:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Senate Bill No. 273 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 285.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 285 makes a one-time General Fund appropriation of $250,000 in each Fiscal Year of the 2023-2025 biennium "to the Nevada Center for Civic Engagement to support civics education programs, including, without limitation, We the People: The Citizen and the

Constitution Program, in Nevada's elementary, junior high, middle and high schools and to expand civics education programs for adults." The sums appropriated are available for either fiscal year.

Roll call on Senate Bill No. 285:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Senate Bill No. 285 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 339.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 339, as amended, provides a General Fund appropriation of $10 million in Fiscal Year 2024 to the Department of Education for the purpose of creating a grant program to allow teachers and specialized instructional support personnel to obtain necessary supplies and materials for their classrooms or school operations, respectively.

Additionally, Senate Bill No. 339, as amended, requires the Department of Education to enter into an agreement with one or more organizations to administer the program and limits the organizations that receive grant money from not expending grant money of more than $500 per individual teacher or specialized instructional support personnel. An organization may expend money in excess of $500 for an individual teacher or specialized instructional support personnel to the extent that money from a source other than the grant program is available.

Roll call on Senate Bill No. 339:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Senate Bill No. 339 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 449.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 449 authorizes the Consumer Affairs Unit within the Department of Business and Industry to adopt regulations in consultation with the Director of Business and Industry regarding the regulation of structured settlement purchase companies. For such companies, the bill requires the Consumer Affairs Unit to charge an initial and renewal registration application fee of $250, a late registration renewal fee of $375 upon failure to timely renew a registration if the registration is renewed within 60 days after expiration, and a registration reinstatement fee of $500 for companies that allow their registration to lapse and fail to renew within 60 days after expiration.

Finally, a structured settlement purchase company must secure a surety bond or a letter of credit instead of posting a cash bond.

Roll call on Senate Bill 449:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Senate Bill 449 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Mr. President announced that Senate Bills Nos. 273, 285, 339 and 449 will be immediately transmitted to the Assembly:

Assembly Bill No. 3.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 3 relates to the report of the State Permanent School Fund. Assembly Bill No. 3 requires the State Controller to prepare a complete financial report of the State Permanent School Fund annually instead of quarterly. This saves a little time; it is a good bill.

Roll call on Assembly Bill No. 3:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 3 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 18.

Bill read third time.

Remarks by Senator Daly

Assembly Bill No. 18 revises the composition of the Division of Enterprise Information Technology Services of the Department of Administration and modernizes certain statutory language to better define the work of the Division.

Roll call on Assembly Bill No. 18:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 18 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 36.

Bill read third time.

Remarks by Senator Krasner.

Assembly Bill No. 36 adds three ex officio members to the Interagency Council on Veterans Affairs: the Attorney General, the Superintendent of Public Instruction and the Executive Director of the Governor's Office of Workforce Innovation. The measure revises certain reporting requirements for certain state agencies and regulatory bodies and deletes the requirement that the Council develop and administer a certain fellowship program. The measure changes from calendar years to fiscal years the reporting timeline for certain reports that are submitted to the Council and the Nevada Veterans Services Commission. Certain outreach and reporting requirements related to the Women Veterans Advisory Committee are also changed.

Roll call on Assembly Bill No. 36:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 36 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 56.
Bill read third time.
Remarks by Senator Pazina.
Assembly Bill No. 56 authorizes drivers of certain vehicles to travel for more than 200 feet to overtake and pass another vehicle on a paved shoulder of a highway where lawfully placed signage allows this. The bill prohibits a driver upon the immediate approach of an authorized emergency vehicle that is using certain flashing lights from driving to and stopping on such a highway shoulder. Additionally, the bill authorizes drivers of certain vehicles to drive on a paved shoulder of a controlled-access highway where lawfully placed signage allows this.

Roll call on Assembly Bill No. 56:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 56 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 68.
Bill read third time.
Remarks by Senator Ohrenschall.
Assembly Bill No. 68 revises the formula used to calculate the assessment owed by each county for the operation of a regional facility for the treatment and rehabilitation of children.

Roll call on Assembly Bill No. 68:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 68 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 78.
Bill read third time.
Remarks by Senator Scheible.
Assembly Bill No. 78 exempts a certified provider of jobs and day training services or an employee or independent contractor of such a certified provider from the requirement to be licensed by the State Board of Nursing to engage in activities that constitute the practice of nursing.

Roll call on Assembly Bill No. 78:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 78 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 82.
Bill read third time.
Remarks by Senator Goicoechea.
Assembly Bill No. 82 requires the Governor to proclaim annually the Saturday immediately preceding the last Saturday in October as World Esports Day. It is a good bill and is effective on passage and approval.

Roll call on Assembly Bill No. 82:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 82 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 136.
Bill read third time.
Remarks by Senator Doñate.
Assembly Bill No. 136 requires an operator of a qualified residential treatment program that provides care and shelter for less than 16 children to obtain a license as a childcare institution from the Division of Public and Behavioral Health of the Department of Health and Human Services. Any qualified residential treatment program operating on or before January 1, 2024, may continue operating without such a license.

Roll call on Assembly Bill No. 136:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 136 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 185.
Bill read third time.
Remarks by Senator Buck.
Assembly Bill No. 185 authorizes a charter school to give preference in enrollment to a child whose parent or legal guardian is a member of the military. The bill also requires a school district, charter school or university school for profoundly gifted pupils to make reasonable efforts to accommodate a pupil who transfers schools due to the documented military transfer of a parent or legal guardian. Those reasonable efforts include allowing a pupil to enroll in a school and participate in any application or lottery process necessary to be eligible for enrollment at the same time and in the same manner as other pupils, use the address of the military installation to which

a parent or legal guardian is transferring until the pupil notifies the school otherwise, use an additional address solely for the purpose of receiving correspondence and complete the requirements for the current school year through distance education if the pupil plans to leave a school during the school year due to a military transfer.

Lastly, Assembly Bill No. 185 requires a pupil who enrolls in a public school, charter school or university school for profoundly gifted pupils for all or part of a school year to provide proof of residency before the beginning of the next school year if the pupil plans to enroll in the school for the next school year.

I support this bill. I was added as a cosponsor. I hope that everyone votes "yes" on this today.

Roll call on Assembly Bill No. 185:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 185 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 206.

Bill read third time.

Remarks by Senator Nguyen.

Assembly Bill No. 206 adds a twelfth member to the Nevada Commission for Persons Who Are Deaf and Hard of Hearing who must be a registered sign language interpreter and possess certain experience and knowledge.

Roll call on Assembly Bill No. 206:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 206 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Mr. President announced that Assembly Bills Nos. 56 and 185 will be immediately transmitted to the Assembly:

Assembly Bill No. 212.

Bill read third time.

Remarks by Senator Doñate.

Assembly Bill No. 212 requires the Board of Regents of the University of Nevada to establish policies allowing current and former students, including those who owe a debt, to access an unofficial transcript and to obtain or have transmitted an official transcript. A student who owes a debt must not be charged more for these services than a student who does not owe a debt.

Roll call on Assembly Bill No. 212:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 212 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 215.

Bill read third time.

Remarks by Senator Lange.

Assembly Bill No. 215 revises the residency requirements for a person to be eligible for appointment to the Nevada Silver Haired Legislative Forum by decreasing from three years to one year the time a person is required to have been a registered voter in the senatorial district of the Senator who nominates the person for appointment to the Forum.

Roll call on Assembly Bill No. 215:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 215 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 219.

Bill read third time.

Remarks by Senator Flores.

Assembly Bill No. 219 provides that if the agenda for a meeting of a public body authorizes the continuation of the meeting to one or more other calendar days, public comment must be held each day of the meeting and at certain times during the meeting. Public notice of a meeting of a public body must be posted at the principal office of the public body or, if the meeting has a physical location, at the building in which the meeting is to be held. The agenda for a meeting that is held exclusively by a remote technology system must include clear and complete instructions for the public to be able to call into the meeting to provide public comment, and the instructions must be read verbally at the meeting before the first public comment period.

Finally, the bill prohibits a public body from conducting a meeting relating to contested cases and regulations by means of a remote technology system without a physical location designated for the meeting where members of the public are permitted to attend and participate.

Roll call on Assembly Bill No. 219:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 219 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 223.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 223 requires a collection agency to provide, without charge, a debtor with a payoff letter concerning a claim that is owed or asserted to be owed by the debtor not later than ten business days after the debtor requests the letter or a satisfaction letter concerning a claim that is owed or asserted to be owed by the debtor not later than five business days after a claim has been satisfied. A debtor aggrieved by a violation of the requirement to provide a payoff letter or satisfaction letter may bring a civil action against the collection agency that committed the violation.

The measure also removes the requirement that a collection agency, before collecting a medical debt, send written notification containing certain information to the medical debtor by registered or certified mail.

Roll call on Assembly Bill No. 223:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 223 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 265.
Bill read third time.
Remarks by Senator Titus.
Assembly Bill No. 265 creates a statewide mental health consortium to represent existing regional mental health consortia for the purposes of promoting the mental health of children. The bill prescribes the duties, membership and powers of the statewide mental health consortium and allows the statewide mental health consortium and each regional mental health consortium to request the drafting of one legislative measure within the scope of the statewide or regional consortium as applicable. Finally, the bill adds two members of the statewide mental health consortium to the subcommittee on the mental health of children of the Commission on Behavioral Health.

Roll call on Assembly Bill No. 265:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 265 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 274.
Bill read third time.
Remarks by Senator Neal.
Assembly Bill No. 274 makes various changes to the State Financial Literacy Advisory Council: changes its membership, adding one member who is a pupil enrolled in high school, places it under Nevada's Department of Education and provides that the Superintendent of Public Instruction must appoint its members.
The bill also revises the one-half credit of economics in which a public high school pupil must enroll to include financial literacy, and it adds an understanding of budgeting for certain costs.

Roll call on Assembly Bill No. 274:
YEAS—20.
NAYS—None.
EXCUSED—Cannizzaro.

Assembly Bill No. 274 having received a constitutional majority, Mr. President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 372.
Bill read third time.

Remarks by Senator Neal.

Assembly Bill No. 372 authorizes the Board of Regents of the University of Nevada to enter into an agreement with a nonprofit organization, community entity or governmental agency to jointly provide families and caretakers with training, workshops and resources designed to facilitate family involvement in early childhood education. The bill further outlines certain provisions relating to such agreements, including standards that must be met by organizations, entities or agencies.

Roll call on Assembly Bill No. 372:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 372 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 401.

Bill read third time.

Remarks by Senator Pazina.

Assembly Bill No. 401 authorizes an approved school of practical or professional nursing to determine the appropriate ratio of faculty members to students for a course that provides clinical training. The ratio must not exceed 1 faculty member for every 12 students.

Roll call on Assembly Bill No. 401:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 401 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 426.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 426 exempts commercial advertising for special events, as those events are defined in the bill, from placement restrictions on or over any highway. The bill allows for such exemptions if certain conditions are met, including prior authorization, the execution of a written agreement, that the advertising will not constitute a hazard or safe use of the highway and that the advertising will not be used for more than 14 consecutive days.

Roll call on Assembly Bill No. 426:

YEAS—20.

NAYS—None.

EXCUSED—Cannizzaro.

Assembly Bill No. 426 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. 406.

The following Assembly amendment was read:

Amendment No. 582.

SUMMARY—Revises provisions relating to elections. (BDR 24-894)

AN ACT relating to elections; making it unlawful for a person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to interfere with the performance of duties of an elections official or retaliate against an elections official for the performance of such duties; making it unlawful to disseminate certain information about an elections official; prohibiting certain constitutional officers from soliciting or accepting political contributions during certain periods; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime, punishable as a category E felony, to use or threaten to use any force, intimidation, coercion, violence, restraint or undue influence in connection with any election, petition or preregistration or registration of voters. (NRS 293.710) Section 1 of this bill makes it a crime, punishable as a category E felony, for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to: (1) interfere with the performance of the duties of any elections official relating to an election; or (2) retaliate against any elections official for performing duties relating to an election. Section 1 further makes it a crime, punishable as a category E felony, for any person to disseminate any personal identifying information or sensitive information of an elections official without the consent of the elections official, knowing that the elections official could be identified by such information, if: (1) the person disseminates such personal identifying information or sensitive information with the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking or with the intent to cause harm to the elections official and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury or stalking; and (2) the dissemination of the personal identifying information or sensitive information would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation or causes the death, bodily injury or stalking of the elections official whose information was disseminated or a close relation of the elections official. Finally, section 1 establishes that certain activities are not restricted by section 1.

Existing law makes it unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect from soliciting or accepting monetary contributions for any political purpose during a certain period before and after a legislative session.

(NRS 294A.300) Section 5.3 of this bill makes it unlawful for the Secretary of State, the State Treasurer, the State Controller or the Attorney General from soliciting or accepting monetary contributions for any political purpose during a certain period before and after a legislative session. Section 5.6 of this bill makes conforming changes to prohibit a lobbyist from making or committing or offering to make a monetary contribution during such periods. Section 6 of this bill makes sections 5.3 and 5.6 effective on October 1, 2023.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for any person to use or threaten or attempt to use any force, intimidation, coercion, violence, restraint or undue influence with the intent to:

(a) Interfere with the performance of the duties of any elections official relating to an election; or

(b) Retaliate against any elections official for performing duties relating to an election.

2. The provisions of subsection 1 apply regardless of whether a person uses or threatens or attempts to use such force, intimidation, coercion, violence, restraint or undue influence at a polling place or a location other than a polling place.

3. It is unlawful for a person to disseminate any personal identifying information or sensitive information of an elections official without the consent of the elections official, knowing that the elections official could be identified by such information, if:

(a) The person disseminates such personal identifying information or sensitive information:

(1) With the intent to aid, assist, encourage, facilitate, further or promote any criminal offense which would be reasonably likely to cause death, bodily injury or stalking; or

(2) With the intent to cause harm to the elections official and with knowledge of or reckless disregard for the reasonable likelihood that the dissemination of the information may cause death, bodily injury or stalking; and

(b) The dissemination of the personal identifying information or sensitive information:

(1) Would cause a reasonable person to fear the death, bodily injury or stalking of himself or herself or a close relation; or

(2) Causes the death, bodily injury or stalking of the elections official whose information was disseminated or a close relation of the elections official.

4. A person who violates the provisions of subsection 1 or 3 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. This section does not limit:

(a) The applicability of the provisions of law relating to:

(1) Observing the conduct of voting at a polling place pursuant to NRS 293.274 or 293C.269;

(2) Observing the conduct of tests pursuant to NRS 293B.145 or 293C.615;

(3) Observing the handling of ballots upon the closing of the polls pursuant to NRS 293B.330 or 293C.630;

(4) Observing the counting of ballots at the central counting place pursuant to NRS 293B.353;

(5) Observing the delivery, counting, handling and processing of the ballots at a polling place, receiving center and the central counting place pursuant to NRS 293B.354; and

(6) Observing ballot processing pursuant to NRS 293B.380.

(b) The ability of a person to give or offer to give prepackaged food items, nonalcoholic beverages, coats, handwarmers or other similar items to other persons who are at a polling place or any other location described in paragraph (a), if done in accordance with any other law and to the extent such items are not distributed inside of a building which does not permit the distribution of such items in the building as indicated by a sign posted in a prominent place at the entrance of the building.

(c) The ability of a person to engage in written recordation of notes at a polling place or a location other than a polling place; or

(d) The ability of a person to communicate with voters, election board officers or other persons in any way that is not otherwise limited or prohibited pursuant to subsection 1 or 3 or any other provision of law, including, without limitation, NRS 293.740.

6. As used in this section:

(a) "Close relation" means a current or former spouse or domestic partner, parent, child, sibling, stepparent, grandparent or any person who regularly resides in the household of who, within the immediately preceding 6 months, regularly resided in the household.

(b) "Elections official" means:

(1) The Secretary of State or any deputy or employee in the Elections Division of the Office of the Secretary of State who is charged with duties relating to an election;

(2) A registrar of voters, county clerk, city clerk or any deputy or employee in the elections division of a county or city who is charged with elections duties; or

(3) An election board officer or counting board officer.

(c) "Personal identifying information" has the meaning ascribed to it in NRS 205.4617.

(d) "Sensitive information" has the meaning ascribed to it in NRS 41.1347.

(e) "Stalking" means a violation of NRS 200.575.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.3. NRS 294A.300 is hereby amended to read as follows:

294A.300 1. Except as otherwise provided in this section, it is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor , ~~[or]~~ the Governor-Elect , *the Secretary of State*, *the State Treasurer*, *the State Controller or the Attorney General* to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

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

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if:

(1) The Governor sets a specific date for the commencement of the special session that is more than 15 days after the date on which the Governor issues the proclamation calling for the special session pursuant to Section 9 of Article 5 of the Nevada Constitution; or

(2) The members of the Legislature set a date on or before which the Legislature is to convene the special session that is more than 15 days after the date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members calling for the special session pursuant to Section 2A of Article 4 of the Nevada Constitution; or

(c) The day after:

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

(2) The date on which the Secretary of State receives one or more substantially similar petitions signed, in the aggregate, by the required number of members of the Legislature calling for the special session and ending 15 days after the final adjournment of the special session if the members set a date on or before which the Legislature is to convene the special session that is 15 or fewer days after the date on which the Secretary of State receives the petitions.

2. Except as otherwise provided in this section, a person shall not make or commit to make a contribution or commitment prohibited by subsection 1.

3. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor , ~~[or]~~ the Governor , *the Secretary of State*, *the State Treasurer*, *the State Controller or the Attorney General* during the period set forth in

subsection 1 if it is made for services provided as a part of his or her regular employment or is additional income to which he or she is entitled.

4. This section does not apply to any monetary contribution or commitment to make such a contribution that may be given to or accepted by a person pursuant to NRS 294A.115. The provisions of this subsection do not authorize:

(a) A person to accept or solicit a contribution, or solicit or accept a commitment to make such a contribution, other than a contribution authorized pursuant to NRS 294A.115.

(b) A person to make or commit to make a contribution other than a contribution authorized pursuant to NRS 294A.115.

5. This section does not apply to any monetary contribution or commitment to make such a contribution that may be given to or accepted by a Legislator pursuant to NRS 294A.117.

6. As used in this section, "political purpose" includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.

Sec. 5.6. NRS 218H.930 is hereby amended to read as follows:

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

(a) To any member of the Legislative Branch in an effort to persuade or influence the member in any legislative action.

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

2. A lobbyist shall not knowingly or willfully give any gift to a member of the Legislative Branch or a member of his or her immediate family or otherwise directly or indirectly arrange, facilitate or serve as a conduit for such a gift, whether or not the Legislature is in a regular or special session.

3. A member of the Legislative Branch or a member of his or her immediate family shall not knowingly or willfully solicit or accept any gift from a lobbyist, whether or not the Legislature is in a regular or special session.

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

5. Except during the period permitted by NRS 218H.200, a person shall not knowingly act as a lobbyist during a regular or special session without being registered as required by that section, unless the person qualifies for an exemption or exception from the requirements to register as a lobbyist pursuant to any regulations adopted in accordance with NRS 218H.500.

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

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

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

9. A lobbyist shall not make, commit to make or offer to make a monetary contribution to a Legislator, the Lieutenant Governor, the Lieutenant Governor-elect, the Governor, ~~[or]~~ the Governor-elect, *the Secretary of State, the State Treasurer, the State Controller or the Attorney General* during the period set forth in subsection 1 of NRS 294A.300 unless such act is otherwise authorized pursuant to subsection 4 of NRS 294A.300.

Sec. 6. 1. This ~~[act becomes]~~ section and sections 1 to 5, inclusive, of this act become effective upon passage and approval.

2. Sections 5.3 and 5.6 of this act become effective on October 1, 2023.

Senator Ohrenschall moved that the Senate concur in Assembly Amendment No. 582 to Senate Bill No. 406.

Remarks by Senator Ohrenschall.

Amendment No. 582 to Senate Bill No. 406 makes the Secretary of State, the State Treasurer, the State Controller and the Attorney General subject to the blackout period for solicitation and acceptance of campaign contributions before, during and after a legislative session.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senator Lange moved that the Senate take a brief recess.

Motion carried.

Senate in recess at 12:38 p.m.

SENATE IN SESSION

At 12:46 p.m.

President Anthony presiding.

Quorum present.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 163, 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 132, 169, 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

FABIAN DOÑATE, *Chair*

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

May 22, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 378, 454.

WAYNE THORLEY
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 446.

Bill read second time and ordered to third reading.

Assembly Bill No. 33.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 687.

SUMMARY—Revises provisions governing public investments. (BDR 31-357)

AN ACT relating to governmental financial administration; revising provisions governing the investment of money in the State Permanent School Fund; revising provisions governing the investment of money by certain governmental entities; revising provisions governing money transferred from the State Permanent School Fund to a corporation for public benefit to provide private equity funding to certain businesses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the State Treasurer: (1) shall have charge of all investments of money and the sale of all securities of the State Permanent School Fund; and (2) if there is a sufficient amount of uninvested money in the Fund, shall negotiate for the investment of the money in certain investments. (NRS 355.050, 355.060) Section 1 of this bill expands the list of authorized investments for money in the State Permanent School Fund to include: (1) certain commercial paper issued by certain corporations, trusts and limited-liability companies organized and operating in the United States and depository institutions licensed by the United States; and (2) certain notes, bonds and other unconditional obligations issued by certain corporations organized and operating in the United States or depository institutions licensed by the United States.

Under existing law, the State Treasurer is prohibited from making certain investments of money in the State Permanent School Fund unless the State Treasurer obtains a judicial determination that such an investment does not violate the prohibition in the Nevada Constitution against the State of Nevada donating or loaning state money or credit, or subscribing to or being interested in the stock of any company, association or corporation, except a corporation that is formed for educational or charitable purposes. (Nev. Const. Art. 8, § 9; NRS 355.060) Section 1 prohibits the State Treasurer from investing in such

commercial paper and notes, bonds and other unconditional obligations issued by certain corporations, trusts, limited-liability companies and depository institutions without obtaining a judicial determination that such an investment does not violate the prohibition in the Nevada Constitution.

Upon obtaining a judicial determination that an investment does not violate the Nevada Constitution, existing law authorizes the State Treasurer to transfer up to $75,000,000 from the State Permanent School Fund to a corporation for public benefit and requires the corporation by agreement to provide private equity funding to businesses engaged in certain industries, at least 70 percent of which funding must be provided to businesses located or seeking to locate in Nevada. (NRS 355.280) Section 4 of this bill: (1) ~~[increases the maximum amount of money the State Treasurer is authorized to transfer from the State Permanent School Fund to the corporation for public benefit to provide such private equity funding from $75,000,000 to $125,000,000; (2)]~~ decreases the amount of private equity funding such a corporation for public benefit must agree to provide to certain businesses located in this State or seeking to locate in this State from at least 70 percent to more than 50 percent; and ~~[(3)]~~ (2) provides that the corporation for public benefit may provide private equity funding to a pooled fund that includes businesses located outside of this State provided that more than 50 percent of the funding is provided to certain businesses located in this State or seeking to locate in this State.

Existing law authorizes the State Treasurer to invest money from the General Portfolio of the State in certain categories of bonds and other securities. (NRS 355.140). Section 2 of this bill: (1) increases from 20 to 25 percent the maximum share of the aggregate value of the General Portfolio that is authorized to be invested in bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve banks or trust companies which are members of the Federal Reserve System; and (2) authorizes investment in commercial paper issued by certain trusts or limited-liability companies, in addition to the existing authority to invest in commercial paper issued by certain corporations.

Existing law prescribes the bonds and other securities that are proper and lawful investments for a local government and certain administrative entities. (NRS 355.170) Section 3 of this bill revises these authorized investments to require that investments in negotiable certificates of deposit: (1) must have a remaining term to maturity of 5 years or less at the time of purchase; and (2) must, under certain circumstances, be rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better. Section 3 also provides that not more than 5 percent of the total par value of the portfolio may be invested in notes, bonds and other unconditional obligations issued by any one commercial bank, insured credit union, savings and loan association or savings bank.

Section 3 further increases from 20 to 25 percent the maximum share of the money available to a local government for investment that is authorized to be invested in bankers' acceptances of the kind and maturities made eligible by

law for rediscount with Federal Reserve banks or trust companies which are members of the Federal Reserve System. Lastly, section 3 removes the requirement that to invest in obligations of state and local governments, the interest on the obligation must be exempt from gross income for federal income tax purposes.

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

Section 1. NRS 355.060 is hereby amended to read as follows:

355.060 1. The State Controller shall notify the State Treasurer monthly of the amount of uninvested money in the State Permanent School Fund.

2. Whenever there is a sufficient amount of money for investment in the State Permanent School Fund, the State Treasurer shall proceed to negotiate for the investment of the money in:

(a) United States bonds.

(b) A bond, note or other obligation issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) At the time of purchase has a remaining term to maturity of 5 years or less; and

(4) Is rated by a nationally recognized rating service as "AA" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase.

(c) A bond, note or other obligation publicly issued in the United States by a foreign financial institution, corporation or government that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) Is registered with the Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., as amended;

(4) Is purchased from a registered broker-dealer;

(5) At the time of purchase has a remaining term to maturity of 5 years or less; and

(6) Is rated by a nationally recognized rating service as "A" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase.

(d) Obligations or certificates of the Federal National Mortgage Association, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, the Federal Farm Credit Banks Funding Corporation or the

Student Loan Marketing Association, whether or not guaranteed by the United States.

(e) Bonds of this state or of other states.

(f) Bonds of any county of the State of Nevada.

(g) United States treasury notes.

(h) Farm mortgage loans fully insured and guaranteed by the Farm Service Agency of the United States Department of Agriculture.

(i) Loans at a rate of interest of not less than 6 percent per annum, secured by mortgage on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, of unexceptional title and free from all encumbrances.

(j) Money market mutual funds that:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued or guaranteed as to payment of principal and interest by the Federal Government, or its agencies or instrumentalities, or in repurchase agreements that are fully collateralized by such securities.

(k) Common or preferred stock of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States, if:

(1) The stock of the corporation is:

(I) Listed on a national stock exchange; or

(II) Traded in the over-the-counter market, if the price quotations for the over-the-counter stock are quoted by the National Association of Securities Dealers Automated Quotation System (NASDAQ);

(2) The outstanding shares of the corporation have a total market value of not less than $50,000,000;

(3) The maximum investment in stock is not greater than 50 percent of the book value of the total investments of the State Permanent School Fund;

(4) Except for investments made pursuant to paragraph (m), the amount of an investment in a single corporation is not greater than 3 percent of the book value of the assets of the State Permanent School Fund; and

(5) Except for investments made pursuant to paragraph (m), the total amount of shares owned by the State Permanent School Fund is not greater than 5 percent of the outstanding stock of a single corporation.

(l) A pooled or commingled real estate fund or a real estate security that is managed by a corporate trustee or by an investment advisory firm that is registered with the Securities and Exchange Commission, either of which may be retained by the State Treasurer as an investment manager. The shares and the pooled or commingled fund must be held in trust. The total book value of an investment made under this paragraph must not at any time be greater than 5 percent of the total book value of all investments of the State Permanent School Fund.

(m) Mutual funds or common trust funds that consist of any combination of the investments listed in paragraphs (a) to (l), inclusive.

(n) The limited partnerships or limited-liability companies described in NRS 355.280.

(o) Commercial paper issued by a corporation, trust or limited-liability company organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) At the time of purchase has a remaining term to maturity of not more than 270 days; and

(2) Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the State Treasurer shall take such action as he or she deems appropriate to preserve the principal value and integrity of the portfolio as a whole and report to the State Board of Finance any action taken by the State Treasurer pursuant to this paragraph.

(p) Notes, bonds and other unconditional obligations for the payment of money, except certificates of deposit that are not issued by commercial banks, insured credit unions, savings and loan associations or savings banks, issued by corporations organized and operating in the United States or by depository institutions licensed by the United States or any state and operating in the United States that:

(1) Are purchased from a registered broker-dealer;

(2) At the time of purchase have a remaining term to maturity of not more than 5 years; and

(3) Are rated by a nationally recognized rating service as "A" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the State Treasurer shall take such action as he or she deems appropriate to preserve the principal value and integrity of the portfolio as a whole and report to the State Board of Finance any action taken by the State Treasurer pursuant to this paragraph.

3. The State Treasurer shall not invest any money in the State Permanent School Fund pursuant to paragraph (k), (l), (m) , ~~[or]~~ (n) , *(o) or (p)* of subsection 2 unless the State Treasurer obtains a judicial determination that the proposed investment or category of investments will not violate the provisions of Section 9 of Article 8 of the Constitution of the State of Nevada. The State Treasurer shall contract for the services of independent contractors to manage any investments of the State Treasurer made pursuant to paragraph (k), (l) , ~~[or]~~ (m) , *(o) or (p)* of subsection 2. The State Treasurer

shall establish such criteria for the qualifications of such an independent contractor as are appropriate to ensure that each independent contractor has expertise in the management of such investments.

4. In addition to the investments authorized by subsection 2, the State Treasurer may make loans of money from the State Permanent School Fund to school districts pursuant to NRS 387.526.

5. No part of the State Permanent School Fund may be invested pursuant to a reverse-repurchase agreement.

Sec. 2. NRS 355.140 is hereby amended to read as follows:

355.140 1. In addition to other investments provided for by a specific statute, the following bonds and other securities are proper and lawful investments of any of the money of this state, of its various departments, institutions and agencies, and of the State Insurance Fund:

(a) Bonds and certificates of the United States;

(b) Bonds, notes, debentures and loans if they are underwritten by or their payment is guaranteed by the United States;

(c) Obligations or certificates of the United States Postal Service, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Agricultural Mortgage Corporation, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation or the Student Loan Marketing Association, whether or not guaranteed by the United States;

(d) Bonds of this state or other states of the Union;

(e) Bonds of any county of this state or of other states;

(f) Bonds of incorporated cities in this state or in other states of the Union, including special assessment district bonds if those bonds provide that any deficiencies in the proceeds to pay the bonds are to be paid from the general fund of the incorporated city;

(g) General obligation bonds of irrigation districts and drainage districts in this state which are liens upon the property within those districts, if the value of the property is found by the board or commission making the investments to render the bonds financially sound over all other obligations of the districts;

(h) Bonds of school districts within this state;

(i) Bonds of any general improvement district whose population is 200,000 or more and which is situated in two or more counties of this state or of any other state, if:

(1) The bonds are general obligation bonds and constitute a lien upon the property within the district which is subject to taxation; and

(2) That property is of an assessed valuation of not less than five times the amount of the bonded indebtedness of the district;

(j) Medium-term obligations for counties, cities and school districts authorized pursuant to chapter 350 of NRS;

(k) Loans bearing interest at a rate determined by the State Board of Finance when secured by first mortgages on agricultural lands in this state of not less

than three times the value of the amount loaned, exclusive of perishable improvements, and of unexceptional title and free from all encumbrances;

(l) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, excluding such money thereof as has been received or which may be received hereafter from the Federal Government or received pursuant to some federal law which governs the investment thereof;

(m) Negotiable certificates of deposit issued by commercial banks, insured credit unions, savings and loan associations or savings banks;

(n) Bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve banks or trust companies which are members of the Federal Reserve System, except that acceptances may not exceed 180 days' maturity, and may not, in aggregate value, exceed ~~[20]~~ *25* percent of the total par value of the portfolio as determined at the time of purchase;

(o) Commercial paper issued by a corporation *, trust or limited-liability company* organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) At the time of purchase has a remaining term to maturity of not more than 270 days; and

(2) Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 25 percent of the total par value of the portfolio as determined at the time of purchase. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the State Treasurer shall take such action as he or she deems appropriate to preserve the principal value and integrity of the portfolio as a whole and report to the State Board of Finance any action taken by the State Treasurer pursuant to this paragraph;

(p) Notes, bonds and other unconditional obligations for the payment of money, except certificates of deposit that do not qualify pursuant to paragraph (m), issued by corporations organized and operating in the United States or by depository institutions licensed by the United States or any state and operating in the United States that:

(1) Are purchased from a registered broker-dealer;

(2) At the time of purchase have a remaining term to maturity of not more than 5 years; and

(3) Are rated by a nationally recognized rating service as "A" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 25 percent of the total par value of the portfolio as determined at the time of purchase. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the State Treasurer shall take such action as he or she deems appropriate to preserve the principal value and integrity of the portfolio as a whole and report to the State Board of Finance any action taken by the State Treasurer pursuant to this paragraph;

(q) A bond, note or other obligation issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) At the time of purchase has a remaining term to maturity of 5 years or less; and

(4) Is rated by a nationally recognized rating service as "AA" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase;

(r) A bond, note or other obligation publicly issued in the United States by a foreign financial institution, corporation or government that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) Is registered with the Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., as amended;

(4) Is purchased from a registered broker-dealer;

(5) At the time of purchase has a remaining term to maturity of 5 years or less; and

(6) Is rated by a nationally recognized rating service as "A" or its equivalent, or better,

➥ except that investment pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase;

(s) Money market mutual funds which:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued by the Federal Government or agencies of the Federal Government or in repurchase agreements fully collateralized by such securities;

(t) Collateralized mortgage obligations that are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(u) Asset-backed securities that are rated by a nationally recognized rating service as "AAA" or its equivalent.

2. Repurchase agreements and reverse-repurchase agreements are proper and lawful investments of money of the State and the State Insurance Fund for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:

(a) The State Treasurer shall designate in advance and thereafter maintain a list of qualified counterparties which:

(1) Regularly provide audited and, if available, unaudited financial statements to the State Treasurer;

(2) The State Treasurer has determined to have adequate capitalization and earnings and appropriate assets to be highly credit worthy; and

(3) Have executed a written master repurchase agreement or master reverse-repurchase agreement, as applicable, in a form satisfactory to the State Treasurer and the State Board of Finance pursuant to which all repurchase agreements or reverse-repurchase agreements are entered into. The master repurchase agreement and master reverse-repurchase agreement must require the prompt delivery to the State Treasurer and the appointed custodian of written confirmations of all transactions conducted thereunder, and must be developed giving consideration to the Federal Bankruptcy Act, 11 U.S.C. §§ 101 et seq.

(b) In all repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of the appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian;

(2) The State must enter into a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for repurchase agreements only upon receipt of the underlying securities;

(II) Notify the State when the securities are marked to the market if the required margin on the agreement is not maintained;

(III) Hold the securities separate from the assets of the custodian; and

(IV) Report periodically to the State concerning the market value of the securities;

(3) The market value of the purchased securities must exceed 102 percent of the repurchase price to be paid by the counterparty and the value of the purchased securities must be marked to the market weekly;

(4) The date on which the securities are to be repurchased must not be more than 90 days after the date of purchase; and

(5) The purchased securities must not have a term to maturity at the time of purchase in excess of 10 years.

(c) In all reverse-repurchase agreements:

(1) The State must enter into a written contract with the appointed custodian which authorizes the custodian to transfer the securities underlying the reverse-repurchase agreement only at or after the time at which money to pay the purchase price of the securities is transferred to the custodian;

(2) The date on which the State commits to repurchase a security purchased by a counterparty or securities of the same issuer, description, issue date and maturity must not be more than 90 days after the date on which the counterparty purchased the securities from the State; and

(3) Money received by the custodian pursuant to subparagraph (1) may be used by the State only to purchase securities whose maturity matches or is not longer than the term of the reverse-repurchase agreement.

3. As used in this section:

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Repurchase agreement" means a purchase of securities by the State or State Insurance Fund from a counterparty which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

(c) "Reverse-repurchase agreement" means a purchase of securities by a counterparty from the State which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

Sec. 3. NRS 355.170 is hereby amended to read as follows:

355.170 1. Except as otherwise provided in this section and NRS 354.750 and 355.171, the governing body of a local government or an administrative entity established pursuant to NRS 277.080 to 277.180, inclusive, that is not a local government may purchase for investment the following securities and no others:

(a) Bonds and debentures of the United States, the maturity dates of which do not extend more than 10 years after the date of purchase.

(b) A bond, note or other obligation issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) At the time of purchase has a remaining term to maturity of 5 years or less; and

(4) Is rated by a nationally recognized rating service as "AA" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase.

(c) A bond, note or other obligation publicly issued in the United States by a foreign financial institution, corporation or government that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) Is registered with the Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, §§ 77a et seq., as amended;

(4) Is purchased from a registered broker-dealer;

(5) At the time of purchase has a remaining term to maturity of 5 years or less; and

(6) Is rated by a nationally recognized rating service as "A" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase.

(d) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive.

(e) Bills and notes of the United States Treasury, the maturity date of which is not more than 10 years after the date of purchase.

(f) Obligations of an agency or instrumentality of the United States of America or a corporation sponsored by the government, the maturity date of which is not more than 10 years after the date of purchase.

(g) Negotiable certificates of deposit issued by commercial banks, insured credit unions, savings and loan associations or savings banks ~~[.]~~ *that:*

(1) At the time of purchase has a remaining term to maturity of 5 years or less; and

(2) If the certificates are not within the limits of insurance provided by an instrumentality of the United States, are rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better, ~~*[and]*~~ *or are collateralized in the same manner as is required for uninsured deposits by a county treasurer pursuant to NRS 356.133,*

➥ *except that not more than 5 percent of the total par value of the portfolio may be invested in notes, bonds and other unconditional obligations issued by any one commercial bank, insured credit union, savings and loan association or savings bank. If the rating of an obligation is reduced to a level that does*

not meet the requirements of this paragraph, the investment advisor must report the reduction in the rating to the governing body of the local government that purchased the investment, the governing body of the local government or, if the purchase was effected by the State Treasurer pursuant to his or her investment of a pool of money from local governments, the State Treasurer must take such action as the governing body or State Treasurer deems appropriate to preserve the principal value and integrity of the portfolio as a whole and the governing body or State Treasurer, as applicable, must report to the State Board of Finance any action taken pursuant to this paragraph. For the purposes of subparagraph (2), any reference in NRS 356.133 to a "county treasurer" or "board of county commissioners" shall be deemed to refer to the appropriate financial officer or governing body of the local government purchasing the certificates.

(h) Securities which have been expressly authorized as investments for local governments by any provision of Nevada Revised Statutes or by any special law.

(i) Nonnegotiable certificates of deposit issued by insured commercial banks, insured credit unions, insured savings and loan associations or insured savings banks, except certificates that are not within the limits of insurance provided by an instrumentality of the United States, unless those certificates are collateralized in the same manner as is required for uninsured deposits by a county treasurer pursuant to NRS 356.133. For the purposes of this paragraph, any reference in NRS 356.133 to a "county treasurer" or "board of county commissioners" shall be deemed to refer to the appropriate financial officer or governing body of the local government purchasing the certificates.

(j) Subject to the limitations contained in NRS 355.177, negotiable notes or medium-term obligations issued by local governments of the State of Nevada pursuant to NRS 350.087 to 350.095, inclusive.

(k) Bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve Banks, and generally accepted by banks or trust companies which are members of the Federal Reserve System. Eligible bankers' acceptances may not exceed 180 days' maturity. Purchases of bankers' acceptances may not exceed ~~[20]~~ *25* percent of the money available to a local government for investment as determined at the time of purchase.

(l) Obligations of state and local governments ~~[:~~

~~(1) If:~~

~~(I) The interest on the obligation is exempt from gross income for federal income tax purposes; and~~

~~(II) The]~~ *if the* obligation ~~[has]~~ *:*

(1) Has been rated "A" or higher by one or more nationally recognized bond credit rating agencies; or

(2) ~~[If the obligation is]~~ *Is* secured by the proceeds that are paid into the tax increment account of a tax increment area created by a municipality pursuant to NRS 278C.220.

(m) Commercial paper issued by a corporation , *trust or limited-liability company* organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) At the time of purchase has a remaining term to maturity of no more than 270 days; and

(2) Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 25 percent of the total par value of the portfolio as determined at the time of purchase, and not more than 5 percent of the total par value of the portfolio may be invested in commercial paper issued by any one corporation or depository institution. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the investment advisor must report the reduction in the rating to the governing body of the local government that purchased the investment, the governing body of the local government or, if the purchase was effected by the State Treasurer pursuant to his or her investment of a pool of money from local governments, the State Treasurer must take such action as the governing body or State Treasurer deems appropriate to preserve the principal value and integrity of the portfolio as a whole and the governing body or State Treasurer, as applicable, must report to the State Board of Finance any action taken pursuant to this paragraph.

(n) Money market mutual funds which:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in:

(I) Securities issued by the Federal Government or agencies of the Federal Government;

(II) Master notes, bank notes or other short-term commercial paper rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better, issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States; or

(III) Repurchase agreements that are fully collateralized by the obligations described in sub-subparagraphs (I) and (II).

(o) Obligations of the Federal Agricultural Mortgage Corporation.

2. Repurchase agreements are proper and lawful investments of money of a governing body of a local government for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:

(a) The governing body of the local government shall designate in advance and thereafter maintain a list of qualified counterparties which:

(1) Regularly provide audited and, if available, unaudited financial statements;

(2) The governing body of the local government has determined to have adequate capitalization and earnings and appropriate assets to be highly creditworthy; and

(3) Have executed a written master repurchase agreement in a form satisfactory to the governing body of the local government pursuant to which all repurchase agreements are entered into. The master repurchase agreement must require the prompt delivery to the governing body of the local government and the appointed custodian of written confirmations of all transactions conducted thereunder, and must be developed giving consideration to the Federal Bankruptcy Act.

(b) In all repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of the appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian;

(2) The governing body of the local government must enter a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for repurchase agreements only upon receipt of the underlying securities;

(II) Notify the governing body of the local government when the securities are marked to the market if the required margin on the agreement is not maintained;

(III) Hold the securities separate from the assets of the custodian; and

(IV) Report periodically to the governing body of the local government concerning the market value of the securities;

(3) The market value of the purchased securities must exceed 102 percent of the repurchase price to be paid by the counterparty and the value of the purchased securities must be marked to the market weekly;

(4) The date on which the securities are to be repurchased must not be more than 90 days after the date of purchase; and

(5) The purchased securities must not have a term to maturity at the time of purchase in excess of 10 years.

3. The securities described in paragraphs (a), (d) and (e) of subsection 1 and the repurchase agreements described in subsection 2 may be purchased when, in the opinion of the governing body of the local government, there is sufficient money in any fund of the local government to purchase those securities and the purchase will not result in the impairment of the fund for the purposes for which it was created.

4. When the governing body of the local government has determined that there is available money in any fund or funds for the purchase of bonds as set out in subsection 1 or 2, those purchases may be made and the bonds paid for out of any one or more of the funds, but the bonds must be credited to the funds

in the amounts purchased, and the money received from the redemption of the bonds, as and when redeemed, must go back into the fund or funds from which the purchase money was taken originally.

5. Any interest earned on money invested pursuant to subsection 3, may, at the discretion of the governing body of the local government, be credited to the fund from which the principal was taken or to the general fund of the local government.

6. The governing body of a local government may invest any money apportioned into funds and not invested pursuant to subsection 3 and any money not apportioned into funds in bills and notes of the United States Treasury, the maturity date of which is not more than 1 year after the date of investment. These investments must be considered as cash for accounting purposes, and all the interest earned on them must be credited to the general fund of the local government.

7. This section does not authorize the investment of money administered pursuant to a contract, debenture agreement or grant in a manner not authorized by the terms of the contract, agreement or grant.

8. As used in this section:

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Local government" has the meaning ascribed to it in NRS 354.474.

(c) "Repurchase agreement" means a purchase of securities by the governing body of a local government from a counterparty which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

Sec. 4. NRS 355.280 is hereby amended to read as follows:

355.280 If the State Treasurer obtains the judicial determination required by subsection 3 of NRS 355.060, the State Treasurer may transfer an amount not to exceed $75,000,000 ~~*[$125,000,000]*~~ from the State Permanent School Fund to the corporation for public benefit. Such a transfer must be made pursuant to an agreement that requires the corporation for public benefit to:

1. Provide, through the limited partnerships or limited-liability companies described in subsection 1 of NRS 355.270, private equity funding; and

2. Ensure that ~~[at least 70]~~ *more than 50* percent of all private equity funding provided by the corporation for public benefit *, including, without limitation, private equity funding provided by a corporation for public benefit to a pooled fund that includes businesses located outside of this State,* is provided to businesses:

(a) Located in this State or seeking to locate in this State; and

(b) Engaged primarily in one or more of the following industries:

(1) Health care and life sciences.
(2) Cyber security.
(3) Homeland security and defense.
(4) Alternative energy.
(5) Advanced materials and manufacturing.
(6) Information technology.
(7) Any other industry that the board of directors of the corporation for public benefit determines will likely meet the targets for investment returns established by the corporation for public benefit for investments authorized by NRS 355.250 to 355.285, inclusive, and comply with sound fiduciary principles.

Sec. 5. This act becomes effective on July 1, 2023.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 687 to Assembly Bill No. 33 changes "and" to "or" in section 3, subsection 1(g)(2), and retains the original statutory language of $75 million rather than the $125 million as proposed in section 4.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 576.

SUMMARY—Revises provisions governing local improvements. (BDR 22-372)

AN ACT relating to local improvements; revising the process for the governing body of a municipality to provide notice of the annual assessment roll for a neighborhood improvement project; revising the process for such a governing body to approve an amendment to the assessment roll; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any county, city or town to create an improvement district for the acquisition, improvement, equipment, operation and maintenance of certain projects, including a neighborhood improvement project, and to finance the cost of any such project through such methods as the issuance of certain bonds and the levy of assessments upon property in the improvement district. (NRS 271.265, 271.270, 271.325)

Existing law requires the governing body of a local government which has acquired or improved a neighborhood improvement project to annually: (1) prepare an estimate of expenditures for the next fiscal year and a proposed assessment roll for the district; (2) conduct a public hearing on the estimate of expenditures and proposed assessment roll; and (3) confirm and levy the assessments. (NRS 271.377) Section 3 of this bill requires instead that a

governing body for a neighborhood improvement project annually: (1) prepare an amendment to the assessment roll and an estimate of the expenditures for the next fiscal year; (2) hold a public meeting to consider the amendment; (3) mail or, upon written request and to the extent practicable, transmit by electronic mail a notice of the public meeting at least 21 days before the date of the meeting to the owner of each tract to be assessed; and (4) confirm the amendment to the assessment roll by resolution and mail notice of the assessments to the owner of each tract being assessed. Section 3 further: (1) requires the governing body to list an amendment to the assessment roll as a separate action item on the meeting agenda; and (2) prohibits the governing body from approving an amendment to the assessment roll as a group of agenda items in a single motion.

Sections 1 and 2 of this bill make conforming changes to clarify appropriate references to certain sections in the Nevada Revised Statutes.

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

Section 1. NRS 271.296 is hereby amended to read as follows:

271.296 1. The governing body may, by resolution, dissolve an improvement district that is created for the purposes of a neighborhood improvement project if property owners whose property is assessed for a combined total of more than 50 percent of the total amount of the assessments of all the property in the improvement district submit a written petition to the governing body that requests the dissolution of the district within the period prescribed in subsection 2.

2. The dissolution of an improvement district pursuant to this section may be requested within 30 days after:

(a) The first anniversary of the date the improvement district was created; and

(b) Each subsequent anniversary thereafter.

3. As soon as practicable after the receipt of the written petition of the property owners submitted pursuant to subsection 1, the governing body shall pass a resolution of intention to dissolve the improvement district. The governing body shall give notice of a hearing on the dissolution. The notice must be provided and the hearing must be held ~~[pursuant to the requirements]~~ *in the manner* set forth in NRS ~~[271.377.]~~ *271.380 and 271.385*. If the governing body determines that dissolution of the improvement district is appropriate, it shall dissolve the improvement district by resolution, effective not earlier than the 30th day after the hearing.

4. If there is indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the improvement district, the portion of the assessment necessary to pay the indebtedness remains effective and must be continued in the following years until the debt is paid.

Sec. 2. NRS 271.297 is hereby amended to read as follows:

271.297 An association with which a governing body contracts pursuant to NRS 271.332 may, at any time, request that the governing body modify a

plan or plat with regard to the neighborhood improvement project. Upon the written request of the association, the governing body may modify the plan or plat by ordinance after *providing notice and* holding a hearing on the proposed modification ~~[pursuant to NRS 271.377.]~~ *in the manner set forth in NRS 271.380 and 271.385.* If the proposed modification of a plat expands the territory for assessment, a person who owns or resides within a tract which is located within the territory proposed to be added to the improvement district may file a protest pursuant to NRS 271.392 at any time before the governing body modifies the plat by ordinance. A petition is not required for a modification made pursuant to this section.

Sec. 3. NRS 271.377 is hereby amended to read as follows:

271.377 1. On or before June 30 of each year after the governing body acquires or improves a neighborhood improvement project, the governing body shall prepare or cause to be prepared an estimate of the expenditures required in the ensuing fiscal year and a proposed *amendment to the* assessment roll assessing an amount not greater than the estimated cost against the benefited property. The *amendment to the* assessment must be computed according to frontage or another uniform and quantifiable basis.

2. The governing body shall ~~[hold a public hearing upon the estimate of expenditures and the proposed assessment roll.]~~ *consider the amendment to the assessment roll at a public meeting of the governing body.* Notice must be given ~~[and the hearing conducted in the manner provided in NRS 271.380 and 271.385. The assessment may not exceed the amount stated in the proposed assessment roll unless a new hearing is held after notice is mailed and published in the manner provided in NRS 271.305 and 271.310.]~~ *by mail or, upon written request and to the extent practicable, by electronic mail to the owner of each tract to be assessed at least 21 days before the date of the meeting of the governing body. The notice must set forth the amount of the assessment roll for the ensuing fiscal year.*

3. *The agenda for a public meeting of the governing body to consider an amendment to the assessment roll must list the amendment as a separate action item. The governing body shall not approve an amendment to the assessment roll as a group of agenda items in a single motion.*

4. After the ~~[public hearing,]~~ *meeting,* the governing body shall confirm the assessments, as specified in the ~~[proposed]~~ *amendment to the* assessment roll ~~[or as modified, and levy the assessment as provided in NRS 271.390.]~~ *, by resolution and mail notice of the assessments to the owner of each tract being assessed. The notice must set forth the date on which the assessment is due and instructions for paying the assessment.*

~~[4.]~~ *5.* An improvement district created for a neighborhood improvement project is not entitled to any distribution from the local government tax distribution account.

Sec. 4. This act becomes effective upon passage and approval.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 576 to Assembly Bill No. 60 requires the governing body of a municipality to consider an amendment to the assessment roll as a separate item on an agenda and must not be part of any items on the agenda approved as a group through a single motion.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 97.

Bill read second time and ordered to third reading.

Assembly Bill No. 101.

Bill read second time and ordered to third reading.

Assembly Bill No. 120.

Bill read second time and ordered to third reading.

Assembly Bill No. 177.

Bill read second time and ordered to third reading.

Assembly Bill No. 214.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 691.

SUMMARY—Revises provisions governing certain regional transportation commissions. (BDR 22-90)

AN ACT relating to regional transportation commissions; requiring a regional transportation commission in certain counties to establish an advisory committee; revising certain requirements relating to the security in operations of a regional transportation commission; revising certain requirements relating to the establishment of an advisory committee by a regional transportation commission in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a board of county commissioners may by ordinance create a regional transportation commission if a streets and highways plan has been adopted as part of the master plan by the county or regional planning commission. (NRS 277A.170) Existing law authorizes a regional transportation commission to provide for and maintain such security in operations as is necessary for the protection of persons and property. (NRS 277A.260) Section 2 of this bill authorizes a regional transportation commission to establish a fine for a passenger who refuses to comply with a regional or statewide health and safety standard or mandate. Section 2 further requires a regional transportation commission or any person who contracts with a regional transportation commission to operate a public transit system to: (1) maintain any audio or video recording that is used as evidence in certain disciplinary actions or contains an incident on a public transit system that

results in an injury to an employee; and (2) upon the request of an employee organization that is the exclusive bargaining agent of the employees of a person who contracts with the regional transportation commission, to provide such audio or video recordings to the employee organization.

Existing law requires the regional transportation commission in a county whose population is 700,000 or more (currently only Clark County) to establish an advisory committee to provide certain information and advice to the commission relating to public mass transportation in the county. The advisory committee consists of: (1) two members of the general public from each city within the county who are appointed by the governing body of that city; and (2) six members of the general public appointed by the regional transportation commission. (NRS 277A.340) Section 3 of this bill instead requires the regional transportation commission in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to ~~[appoint members to the]~~ establish an advisory committee. Section 3 further provides that the membership of the committee must include: (1) at least two members who are ~~[representatives of the]~~ employees ~~[who work on a]~~ of the person who contracts with the commission to operate the public transit system in the county, are not in a supervisory position and are recommended by the principal officers of the employee organization that represents such employees; (2) at least one member of the general public; and (3) any other additional members appointed at the discretion of the regional transportation commission. Section 3 also authorizes a regional transportation commission to assign certain duties of the advisory committee to another committee established by the regional transportation commission, provided that the membership of the other committee meets the membership requirements for an advisory committee.

~~[Section 1.5 of this bill requires a regional transportation commission in a county whose population is 100,000 or more but less than 700,000 (currently only Washoe County) to establish an advisory committee to provide certain information and advice to the regional transportation commission relating to public mass transportation in the county. Section 1.5 provides that the advisory committee consist of: (1) one member of the general public from each city within the county who is appointed by the governing body of that city; and (2) three members of the general public appointed by the regional transportation commission. Section 1.5 also requires the appointing authorities to coordinate to ensure that at least two of the members on the advisory committee are representatives of the employees who work for the public transit system in the county, are not in a supervisory position and are recommended by the principal officers of the employee organization that represents such employees.]~~

Section 6 of this bill revises a reference to federal law.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. ~~[Chapter 277A of NRS is hereby amended by adding thereto a~~

~~new section to read as follows:~~

~~*1. In a county whose population is 100,000 or more but less than 700,000, the commission shall establish an advisory committee to provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county and any other related subject as requested by the commission. The membership of the advisory committee must consist of:*~~

~~*(a) One member of the general public from each city within the county who is appointed by the governing body of that city; and*~~

~~*(b) Three members of the general public appointed by the commission.*~~

~~*2. The appointing authorities shall coordinate to ensure that at least two of the members appointed pursuant to paragraphs (a) and (b) of subsection 1:*~~

~~*(a) Are representatives of the employees who work for the public transit system in the county;*~~

~~*(b) Are not in a supervisory position; and*~~

~~*(c) Are recommended by the principal officers of the employee organization that represents such employees.*~~

~~*3. Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.*~~

~~*4. A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.*~~

~~*5. The advisory committee shall meet at least four times annually.*~~

~~*6. At its first meeting and annually thereafter, the advisory committee shall elect a chair and vice chair from among its members.*~~

~~*7. Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.]~~~~

(Deleted by amendment.)

Sec. 2. NRS 277A.260 is hereby amended to read as follows:

277A.260 *1.* A commission may:

~~[1.]~~ *(a)* Provide for and maintain such security in operations as is necessary for the protection of persons and property under its jurisdiction and control.

~~[2.]~~ *(b)* Employ professional, technical, clerical and other personnel necessary to carry out the provisions of this chapter.

~~[3.]~~ *(c)* Establish ~~[a fine]~~ *fines* for a passenger who refuses to ~~[pay]~~ *:*

(1) Pay or otherwise fails to pay the proper fare to ride on the public transit system established and operated by the commission ~~[.]~~ *; or*

(2) Comply with a regional or statewide health and safety standard or mandate.

➥ If the commission establishes such ~~[a fine,]~~ *fines*, the commission may establish procedures that provide for the issuance and collection of the ~~[fine.]~~ *fines.*

2. The commission or any person who contracts with the commission to operate the public transit system shall:

(a) Maintain, in accordance with all applicable provisions of state and federal law, any audio or video recording that:

(1) Is used as evidence in a disciplinary action involving an employee of any person who contracts with the commission to operate the public transit system; or

(2) Contains an incident on the public transit system that results in an injury to an employee of a person who contracts with the commission to operate the public transit system.

(b) Upon the request of an employee organization that is the exclusive bargaining agent of the employees of a person who contracts with the commission to operate the public transit system, provide the employee organization with any audio or video recording that:

(1) Is used as evidence in a disciplinary action involving an employee of any person who contracts with the commission to operate the public transit system; or

(2) Contains an incident on the public transit system that results in an injury to an employee of a person who contracts with the commission to operate the public transit system, provided that the commission and the person who contracts with the commission to operate the public transit system receive a written request by the employee organization for the audio or video recording within 10 calendar days of the incident.

Sec. 3. NRS 277A.340 is hereby amended to read as follows:

277A.340 1. ~~[In]~~ *Except as otherwise provided in subsection 8, in* a county whose population is ~~[700,000]~~ *100,000* or more, the commission shall establish an advisory committee to ~~[provide]~~ *:*

(a) Provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county ~~[.]~~ *; and*

(b) Perform, at the discretion of the commission, any other duties.

2. The commission shall appoint members to the advisory committee. The membership of the advisory committee must consist of:

(a) ~~[Two]~~ *At least two* members ~~[of the general public from each city within the county who are appointed by the governing body of that city; and]~~ *who:*

(1) Are ~~[representatives of the]~~ employees ~~[who work on]~~ of the person who contracts with the commission to operate the public transit system in the county;

(2) Are not in a supervisory position; and

(3) Are recommended by the principal officers of the employee organization that represents such employees.

(b) ~~[Six members]~~ *At least one member* of the general public . ~~[appointed by the commission.~~

~~2.]~~ *(c) Any other additional members appointed at the discretion of the commission.*

3. Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

~~[3.]~~ *4.* A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.

~~[4.]~~ *5.* The advisory committee shall meet at least ~~[six]~~ *four* times annually.

~~[5.]~~ *6.* At its first meeting and annually thereafter, the advisory committee shall elect a chair and vice chair from among its members.

~~[6.]~~ *7.* Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

8. If a commission has established other committees, the commission may assign the duty of an advisory committee to provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county to another committee, provided that the membership of the other committee meets the requirements of paragraphs (a) and (b) of subsection 2.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 277A.450 is hereby amended to read as follows:

277A.450 1. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, finance, operate and maintain, or any combination thereof, a high-capacity transit system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a high-capacity transit project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost-effective method of constructing the project on schedule and in satisfaction of its transportation objectives.

2. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a high-capacity transit project and any other equipment that is related to the project. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

3. If a commission develops a high-capacity transit project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway *public transportation* systems set forth in 49 C.F.R. Part ~~[659.]~~ *674.*

4. As used in this section:

(a) "Minimum operable segment" means the shortest portion of a high-capacity transit system that is technically capable of providing viable public transportation between two end points.

(b) "Turnkey procurement" means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a high-capacity transit system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 7. (Deleted by amendment.)

Sec. 8. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 691 to Assembly Bill No. 214 requires a regional transportation commission in a county whose population is 100,000 or more to establish an advisory committee, revises the required membership of the advisory committee to include employees of the person who contracts with the commission to operate the public transit system in the county and adds Senator Goicoechea as a joint sponsor.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 225.

Bill read second time and ordered to third reading.

Assembly Bill No. 235.

Bill read second time and ordered to third reading.

Assembly Bill No. 264.

Bill read second time and ordered to third reading.

Assembly Bill No. 309.

Bill read second time and ordered to third reading.

Assembly Bill No. 333.

Bill read second time and ordered to third reading.

Assembly Bill No. 339.

Bill read second time and ordered to third reading.

Assembly Bill No. 342.

Bill read second time and ordered to third reading.

Assembly Bill No. 343.

Bill read second time and ordered to third reading.

Assembly Bill No. 361.

Bill read second time and ordered to third reading.

Assembly Bill No. 378.

Bill read second time and ordered to third reading.

Assembly Bill No. 391.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 694.

SUMMARY—Revises provisions governing public works. (BDR 28-1031)

AN ACT relating to public works; authorizing a local government to ~~[require a contractor on]~~ enter into a prehire agreement for a public work ; ~~[to give a preference for local hiring;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a process for a local government to award a contract for a public work. (NRS 338.1385) This bill authorizes a local government to ~~[require a contractor on]~~ enter into a prehire agreement for a public work . ~~[to give]~~ Any such prehire agreement may contain a preference for hiring labor on the public work to local residents who reside: (1) within the jurisdiction of the local government; (2) within a certain specified distance of the jurisdiction of the local government; or (3) within a certain geographic area within the jurisdiction of the local government. This authority does not apply if any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work. This bill also clarifies that this authority shall not be construed to authorize a contractor on a public work to pay any worker on the public work less than the applicable prevailing wage.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a local government sponsoring or financing a public work may ~~[require that a contractor on]~~ enter into a prehire agreement for the public work . ~~[give]~~ Any such prehire agreement may contain a preference for hiring labor on the public work to local residents who possess a valid driver's license or identification card issued by the Department of Motor Vehicles or other proof of current address which indicates that the person resides:

(a) Within the jurisdiction of the local government;

(b) Within a certain specified distance of the jurisdiction of the local government, as provided by the local government sponsoring or financing the public work; or

(c) Within a certain geographic area within the jurisdiction of the local government.

2. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 1, those provisions do not apply insofar as their application would preclude or reduce federal assistance.

3. Nothing in this section shall be construed to authorize a contractor on a public work to pay any worker on the public work less than the applicable prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. 1. The amendatory provisions of this act apply to a public work for which bids are first advertised by a local government after the effective date of this act.

2. As used in this section, "local government" and "public work" have the meanings ascribed to them in NRS 338.010.

Sec. 7. (Deleted by amendment.)

Sec. 8. This act becomes effective upon passage and approval.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 694 to Assembly Bill No. 391 authorizes a local government to enter into a prehire agreement for a public work and that any such prehire agreement may contain a preference to hire local residents.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 398.

Bill read second time and ordered to third reading.

Assembly Bill No. 414.

Bill read second time and ordered to third reading.

Assembly Bill No. 454.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bill No. 446 and Assembly Bills Nos. 378 and 454 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

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

Motion carried.

Senate in recess at 12:56 p.m.

SENATE IN SESSION

At 8:08 p.m.
President Anthony presiding.
Quorum present.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 23, 127, 284, 334, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Education, to which were referred Assembly Bills Nos. 54, 175, 207, 241, 256, 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERTA LANGE, *Chair*

Mr. President:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 144, 316, 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DALLAS HARRIS, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 202, 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 Health and Human Services, to which was referred Senate Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

FABIAN DOÑATE, *Chair*

Mr. President:

Your Committee on Judiciary, to which was referred Assembly Bill No. 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Lange moved that the action whereby Senate Bill No. 502 was referred to the Committee on Revenue and Economic Development be rescinded.

Motion carried.

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

Motion carried.

Senator Lange moved that Senate Concurrent Resolution No. 5 be taken from its position on the Resolution File and placed on the Resolution File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 503—AN ACT relating to education; ensuring sufficient funding for K-12 public education for the 2023-2025 biennium; apportioning the State Education Fund for the 2023-2025 biennium; authorizing certain expenditures; making appropriations relating to base per pupil funding, weighted funding and other educational purposes; revising provisions relating to at-risk pupils; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Finance:

Senate Bill No. 504—AN ACT relating to state financial administration; authorizing expenditures by various officers, departments, boards, agencies, commissions and institutions of the State Government for the 2023-2025 biennium; authorizing the collection of certain amounts from the counties in the 2023-2025 biennium for the use of the services of the State Public Defender; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 610.

SUMMARY— ~~[Establishes provisions relating to the review of opioid overdose fatalities.]~~ Requires the establishment of a Regional Opioid Task Force in Clark County. (BDR ~~[40-721)]~~ S-721)

AN ACT relating to public health; ~~[authorizing certain persons and entities]~~ requiring the Clark County Board of County Commissioners to establish a Regional Opioid Task Force to ~~[conduct an]~~ study certain issues relating to opioid overdose ~~[fatality review; prohibiting the use of an opioid overdose fatality review for certain purposes; requiring certain information to be made available to a person or entity conducting an opioid overdose fatality review; providing certain immunity from liability;]~~ fatalities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Committee to Review Suicide Fatalities within the Department of Health and Human Services, consisting of 10 members appointed by the Director of the Department. (NRS 439.5104) The Committee has certain powers and duties, including obtaining and using data and information to: (1) review suicide fatalities in this State to determine trends,~~

~~risk factors and strategies for prevention; (2) determine and prepare reports concerning trends and patterns of suicide fatalities in this State; (3) identify and evaluate the prevalence of risk factors for preventable suicide fatalities in this State; (4) evaluate and prepare reports concerning high risk factors, current practices, lapses in systematic responses and barriers to the safety and well being of persons who are at risk of suicide in this State; and (5) recommend any improvement in sources of information relating to investigating reported suicide fatalities and preventing suicide in this State. (NRS 439.5106) The Committee also may: (1) conduct certain investigations; (2) petition a district court for the issuance of a subpoena to compel the production of certain information and records; (3) propose recommended legislation concerning suicide fatalities in this State; and (4) issue certain reports. (NRS 439.5108) This bill enables certain persons and entities to review fatalities resulting from opioid overdoses in this State.~~

~~Section 2 of this bill defines the term "opioid overdose fatality review" to mean a review of one or more deaths resulting from an opioid overdose. Section 3.5 of this bill authorizes certain governmental entities and health care facilities, a provider of health care or faculty or students at an institution of higher education to conduct an opioid overdose fatality review. Section 3.5 also authorizes other entities to enter into a memorandum of understanding with a governmental entity or an institution of higher education authorizing the entity to conduct an opioid overdose fatality review. Section 3.5: (1) requires a person or entity conducting an opioid overdose fatality review to make any results, findings or recommendations from the opioid overdose fatality review available to the public; and (2) prohibits such a person or entity from using the opioid overdose fatality review for the commercial or exclusive benefit of the entity.~~

~~Section 4 of this bill authorizes a person or entity conducting an opioid overdose fatality review to consult and cooperate with certain entities and access certain information. Section 4 also prescribes certain activities that may be conducted as part of an opioid overdose fatality review.~~

~~Section 5 of this bill authorizes a person or entity conducting an opioid overdose fatality review to: (1) conduct certain investigations; (2) petition a district court for the issuance of a subpoena to compel the production of certain information and records; (3) propose recommendations concerning overdose fatalities in this State; and (4) publish certain reports. Sections 3.5, 5 and 8 of this bill provide that certain books, records or papers received by a person or entity conducting an opioid overdose fatality review are confidential. Section 5 also provides immunity from civil and criminal liability for persons and entities that act in due care in accordance with sections 2-5 of this bill and other applicable law.~~

~~Sections 7, 9 and 10 of this bill make conforming changes to require that certain information be made available to a person or entity conducting an opioid overdose fatality review.]~~ This bill requires the Clark County Board of County Commissioners to establish a Regional Opioid Task Force to review

data relating to opioid overdose fatalities and near fatalities and use such data to address gaps in community services relating to opioids and opioid overdose fatalities. This bill also requires the Clark County Board of County Commissioners to appoint the members to the Task Force who must be certain persons, represent certain organizations or agencies or have expertise in certain areas. This bill further requires the Task Force to submit a report to the Governor and Director of the Legislative Counsel Bureau with a summary of the work of the Task Force and recommendations for legislation.

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

Delete existing sections 1 through 11 of this bill and replace with the following new sections 1 through 3:

Section 1. 1. The Clark County Board of County Commissioners shall establish a Regional Opioid Task Force, consisting of the following members appointed by the Clark County Board of County Commissioners:

(a) One member who represents a social services agency in Clark County;

(b) One member who represents the Department of Family Services of Clark County;

(c) One member who represents the Department of Juvenile Justice Services of Clark County;

(d) One member who represents the Southern Nevada Health District;

(e) One member with experience in the field of public health epidemiology selected from a list of nominees submitted by the Southern Nevada Health District;

(f) One member with experience in the field of primary health care;

(g) One member with experience in the field of mental health;

(h) One member who represents the Clark County School District;

(i) One member who represents law enforcement selected from a list of nominees submitted by the Las Vegas Metropolitan Police Department;

(j) One member with experience in the field of behavioral health;

(k) One member with experience in the field of addiction medicine;

(l) One member who represents a provider of emergency medical services in Clark County;

(m) One member who represents public health educators or community health workers who represent or serve persons with limited-English proficiency;

(n) One member who represents a substance use disorder prevention coalition in Clark County; and

(o) The Clark County coroner or his or her designee.

2. The Task Force shall:

(a) Review data relating to opioid overdose fatalities and near fatalities in the county to identify gaps in community services relating to opioids and opioid overdose fatalities;

(b) Identify existing statewide and community databases that contain information relating to harm reduction and substance use to assist in

identifying gaps in community services and developing targeted interventions relating to opioids; and

(c) Ensure any data reviewed by the Task Force is comprised of multiple sources and databases.

3. After reviewing data pursuant to subsection 2, the Task Force may elect to conduct:

(a) A systemic review of opioid overdose fatalities occurring on or after October 1, 2023, as necessary to determine the responsiveness of community services; or

(b) A review of opioid overdose fatalities in the zip codes of Clark County with the highest numbers of opioid overdose fatalities.

4. In addition to the requirements of subsection 2, the Task Force shall identify:

(a) Any trends in the social determinants of health relating to opioid overdose fatalities; and

(b) Opportunities for collaboration to leverage existing resources to prevent opioid overdose fatalities, prevent substance misuse and promote recovery for persons with addictive disorders.

5. Beginning not later than January 1, 2024, the Task Force shall meet not less than once each quarter. The meetings of the Task Force must be conducted in accordance with the provisions of chapter 241 of NRS.

6. The Clark County Board of County Commissioners shall ensure that there is sufficient staffing to support the administrative needs of the Task Force.

7. On or before December 30, 2024, the Task Force shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature which includes a summary of the work of the Task Force and any recommendations for legislation.

Sec. 2. 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. 3. This act becomes effective on October 1, 2023, and expires by limitation on December 31, 2024.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 610 to Assembly Bill No. 132 removes all provisions of the bill and instead requires the Clark County Board of County Commissioners to establish a Regional Opioid Task Force to study certain issues relating to opioid overdose.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 163.

Bill read second time.

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

Amendment No. 538.

SUMMARY—Revises provisions governing employment. (BDR 53-834)

AN ACT relating to employment; providing for hours of leave, under certain circumstances, if an employee or a family or household member of an employee is a victim of an act which constitutes sexual assault; prohibiting the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation from denying certain persons unemployment benefits under certain circumstances; requiring employers to provide reasonable accommodations under certain circumstances; prohibiting an employer from taking certain actions against an employee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who commits certain acts is guilty of sexual assault. (NRS 200.366) Existing law requires an employer to provide certain hours of leave to an employee who has been employed by the employer for at least 90 days and who is a victim of an act which constitutes domestic violence, or such an employee whose family or household member is a victim of an act which constitutes domestic violence and the employee is not the alleged perpetrator. Existing law provides that such an employee is entitled to not more than 160 hours of leave during a 12-month period. Such leave: (1) may be paid or unpaid; (2) must be used within the 12 months immediately following the date on which the act which constitutes domestic violence occurred; (3) may be used consecutively or intermittently; and (4) under certain circumstances, must be deducted from leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq. Existing law additionally requires an employer to maintain a record of the use of the hours of leave for each employee for a 2-year period and to make those records available for inspection by the Labor Commissioner. (NRS 608.0198) Section 1 of this bill: (1) requires an employer to provide such leave to a victim of an act which constitutes sexual assault; (2) authorizes an employee to use the leave for certain purposes; and (3) requires an employer to maintain a record of the use of the hours of leave for each employee for a 2-year period and to make those records available for inspection by the Labor Commissioner.

Existing law prohibits the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation from denying a person unemployment compensation benefits in certain circumstances. (NRS 612.3755) Section 2 of this bill prohibits the Administrator from denying a person unemployment compensation benefits if the Administrator finds that the person: (1) left employment to protect himself or herself, or his or her family or household member, from an act which constitutes sexual assault; and (2) actively engaged in an effort to preserve employment. Section 2 also authorizes the Administrator to request evidence from the person to support a claim for benefits.

Existing law requires an employer to provide reasonable accommodations which will not create an undue hardship for an employee who is a victim of an act which constitutes domestic violence or whose family or household member

is a victim of an act which constitutes domestic violence. (NRS 613.222) Section 3 of this bill similarly requires an employer to provide such accommodations for an employee who is a victim of an act which constitutes sexual assault or whose family or household member is a victim of an act which constitutes sexual assault.

Existing law prohibits an employer from conditioning the employment of an employee or prospective employee or taking certain employment actions because of certain circumstances related to the commission of an act which constitutes domestic violence. (NRS 613.223) Section 4 of this bill prohibits an employer from conditioning the employment of an employee or prospective employee or taking certain employment actions because: (1) the employee or prospective employee is a victim of an act which constitutes sexual assault; (2) the employee or prospective employee's family or household member is a victim of an act which constitutes sexual assault; or (3) of other circumstances related to being a victim of an act which constitutes sexual assault.

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

Section 1. NRS 608.0198 is hereby amended to read as follows:

608.0198 1. An employee who has been employed by an employer for at least 90 days and who is a victim of an act which constitutes domestic violence ~~[,]~~ *or sexual assault,* or whose family or household member is a victim of an act which constitutes domestic violence ~~[,]~~ *or sexual assault,* and the employee is not the alleged perpetrator, is entitled to not more than 160 hours of leave in one 12-month period. Hours of leave provided pursuant to this subsection:

(a) May be paid or unpaid by the employer;

(b) Must be used within the 12 months immediately following the date on which the act which constitutes domestic violence *or sexual assault* occurred;

(c) May be used consecutively or intermittently; and

(d) If used for a reason for which leave may also be taken pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., must be deducted from the amount of leave the employee is entitled to take pursuant to this section and from the amount of leave the employee is entitled to take pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

2. An employee may use the hours of leave pursuant to subsection 1 as follows:

(a) An employee may use the hours of leave only:

(1) For the diagnosis, care or treatment of a health condition related to an act which constitutes domestic violence *or sexual assault* committed against the employee or family or household member of the employee;

(2) To obtain counseling or assistance related to an act which constitutes domestic violence *or sexual assault* committed against the employee or family or household member of the employee;

(3) To participate in any court proceedings related to an act which constitutes domestic violence *or sexual assault* committed against the employee or family or household member of the employee; or

(4) To establish a safety plan, including, without limitation, any action to increase the safety of the employee or the family or household member of the employee from a future act which constitutes domestic violence ~~[.]~~ *or sexual assault.*

(b) After taking any hours of leave upon the occurrence of the act which constitutes domestic violence ~~[.]~~ *or sexual assault,* an employee shall give not less than 48 hours' advance notice to his or her employer of the need to use additional hours of leave for any purpose listed in paragraph (a).

3. An employer shall not:

(a) Deny an employee the right to use hours of leave in accordance with the conditions of this section;

(b) Require an employee to find a replacement worker as a condition of using hours of leave; or

(c) Retaliate against an employee for using hours of leave.

4. The employer of an employee who takes hours of leave pursuant to this section may require the employee to provide to the employer documentation that confirms or supports the reason the employee provided for requesting leave. Such documentation may include, without limitation, a police report, a copy of an application for an order for protection, an affidavit from an organization which provides services to victims of domestic violence *or sexual assault* or documentation from a physician. Any documentation provided to an employer pursuant to this subsection is confidential and must be retained by the employer in a manner consistent with the requirements of the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

5. The Labor Commissioner shall prepare a bulletin which clearly sets forth the right to the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

6. An employer shall maintain a record of the hours of leave taken pursuant to this section for each employee for a 2-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner. The employer shall exclude the names of the employees from the records, unless a request for a record is for the purpose of an investigation.

7. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under the law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous leave benefit or paid leave benefit.

8. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" means a:

(1) Spouse;

(2) Domestic partner;

(3) Minor child; or

(4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence ~~[.]~~ *or sexual assault.*

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 2. NRS 612.3755 is hereby amended to read as follows:

612.3755 1. The Administrator shall not deny any otherwise eligible person benefits if the Administrator finds that:

(a) The person left employment to protect himself or herself, or a family or household member, from an act which constitutes domestic violence ~~[;]~~ *or sexual assault;* and

(b) The person actively engaged in an effort to preserve employment.

2. The Administrator may request the person to furnish evidence satisfactory to support the person's claim for benefits.

3. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" means a:

(1) Spouse;

(2) Domestic partner;

(3) Minor child; or

(4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence ~~[.]~~ *or sexual assault.*

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 3. NRS 613.222 is hereby amended to read as follows:

613.222 1. An employer must make reasonable accommodations which will not create an undue hardship for an employee who is a victim of an act which constitutes domestic violence *or sexual assault* or whose family or household member is a victim of an act which constitutes domestic violence ~~[.]~~ *or sexual assault.* The employer may provide such accommodations, including, without limitation, as:

(a) A transfer or reassignment;

(b) A modified schedule;

(c) A new telephone number for work; or

(d) Any other reasonable accommodations which will not create an undue hardship deemed necessary to ensure the safety of the employee, the workplace, the employer or other employees.

2. An employer may require an employee to provide to the employer documentation that confirms or supports the reason the employee requires the reasonable accommodations.

3. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" has the meaning ascribed to it in NRS 612.3755.

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 4. NRS 613.223 is hereby amended to read as follows:

613.223 1. It is unlawful for any employer in this State to discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, an employee because:

(a) The employee requested to use hours of leave pursuant to NRS 608.0198;

(b) The employee participated as a witness or interested party in court proceedings related to an act which constitutes domestic violence *or sexual assault* which triggered the use of leave pursuant to NRS 608.0198;

(c) The employee requested an accommodation pursuant to NRS 613.222; or

(d) An act which constitutes domestic violence *or sexual assault* was committed against the employee in the workplace of the employee.

2. As used in this section ~~[, "domestic]~~ *:*

(a) "Domestic violence*"* has the meaning ascribed to it in NRS 33.018.

(b) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 538 to Assembly Bill No. 163 expands the definition of "family or household member" to include "sexual violence" and adds Senator Lange as a cosponsor of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 611.

SUMMARY—Revises provisions governing the labeling of feminine hygiene products. (BDR 51-617)

AN ACT relating to feminine hygiene products; defining certain terms relating to the labeling of feminine hygiene products; requiring, with certain exceptions, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State to bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product; providing certain requirements for the revision of a list of ingredients in a feminine hygiene product; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain provisions relating to the labeling of certain foods, drugs, devices and cosmetics. (Chapter 585 of NRS) Section 3 of this bill: (1) requires, with certain exceptions, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State to bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product; (2) requires the ingredients identified on such label to be listed in order of predominance by weight and identified by using standardized nomenclature ~~[,]~~ or by the name established by the Center for Baby and Adult Hygiene Products, unless the ingredient is confidential business information; (3) if the ingredient is confidential business information, authorizes the ingredient to be identified by its common name; and (4) requires, if a manufacturer has an Internet website, the manufacturer to post the list of ingredients on the Internet website of the manufacturer. Section 3.5 of this bill requires, with certain exceptions, a manufacturer to revise the list of ingredients on the label of a feminine hygiene product not later than: (1) for a label on a package or box containing a feminine hygiene product, 18 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list; and (2) for a list of ingredients posted on the Internet website of the manufacturer, 6 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list. Sections 1.3-2.9 of this bill define certain terms related to the labeling of feminine hygiene products.

Existing law provides that a violation of any provision of chapter 585 of NRS relating to the labeling of certain foods, drugs, devices and cosmetics is a gross misdemeanor, except for certain violations of the chapter that are punishable as a category D felony. (NRS 585.550) A violation of section 3 or 3.5 is also a gross misdemeanor.

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

Section 1. Chapter 585 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 3.5, inclusive, of this act.

Sec. 1.1. *As used in sections 1.1 to 3.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.3 to 2.9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 1.3. *1. "Confidential business information" means an intentionally added ingredient or combination of ingredients for which:*

(a) A claim has been approved by the Administrator of the United States Environmental Protection Agency for inclusion on the Toxic Substances Control Act confidential Chemical Substance Inventory pursuant to 15 U.S.C. § 2607(b); or

(b) The manufacturer or supplier claims is a trade secret, as that term is defined in NRS 600A.030.

2. The term does not include:

(a) An intentionally added ingredient or combination of ingredients that is on a designated list; or

(b) A fragrance allergen included on Annex III of the European Union Cosmetics Regulation No. 1223/2009, as that regulation existed on January 20, 2023, if the fragrance allergen is present in ~~[the]~~ a feminine hygiene product at a concentration at or above 0.001 percent or 10 parts per million.

Sec. 1.5. *"Designated list" means any of the following, in the form most recently published:*

1. Chemicals for which a reference ~~[does]~~ dose or reference concentration has been developed based on neurotoxicity in the Integrated Risk Information System maintained by the United States Environmental Protection Agency.

2. Chemicals identified as carcinogenic to humans, likely to be carcinogenic to humans, or as Group A, B1 or B2 carcinogens in the Integrated Risk Information System maintained by the United States Environmental Protection Agency.

3. Neurotoxicants that are identified in the Toxic Substances Portal of the Agency for Toxic Substances and Disease Registry of the United States Department of Health and Human Services.

4. Persistent bioaccumulative and toxic priority chemicals that are identified in the United States Environmental Protection Agency's National Waste Minimization Program.

5. Reproductive or developmental toxicants identified in monographs on the Potential Human Reproductive and Developmental Effects published by the National Toxicology Program.

6. Chemicals identified on the Toxics Release Inventory maintained by the United States Environmental Protection Agency as persistent, bioaccumulative and toxic that are subject to the reporting requirements pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§ 11001 et seq.

7. Chemicals that are identified as known to be, or reasonably anticipated to be, human carcinogens by the 15th Report on Carcinogens published by the National Toxicology Program.

8. Chemicals that are identified as priority pollutants in the Nevada water quality control plans pursuant to 33 U.S.C. § 1341 or identified as pollutants by this State or the United States Environmental Protection Agency for one or

more bodies of water in this State pursuant to 33 U.S.C. § 1341 and 40 C.F.R. § 130.7.

~~*[9. Chemicals that are identified with noncancer endpoints and listed with an inhalation or oral reference exposure level by the California Office of Environmental Health Hazard Assessment pursuant to Cal. Health & Safety Code § 44360(b)(2).]*~~

Sec. 2. *"Feminine hygiene product" means any product used for the purpose of catching menstruation and vaginal discharge, including, without limitation, tampons, pads and menstrual cups, whether disposable or reusable.*

Sec. 2.1. "Fragrance ingredient" means an intentionally added substance or complex mixture of aroma chemicals, natural essential oils and other functional ingredients present in a feminine hygiene product for which the sole purpose is to impart an odor or scent, or to counteract an odor, and is:

1. Present in a feminine hygiene product at a concentration at or above 0.01 percent or 100 parts per million based on the total amount of the substance as a percentage of the total weight of the feminine hygiene product;

2. Included on a designated list; or

3. A fragrance allergen included on Annex III of the European Union Cosmetics Regulation No. 1223/2009, as that regulation existed on January 20, 2023, if the fragrance allergen is present in the feminine hygiene product at a concentration at or above 0.001 percent or 10 parts per million based on the total amount of the fragrance allergen as a percentage of the total weight of the feminine hygiene product.

Sec. 2.3. *"Ingredient" means* ~~*[an ingredient for]*~~ *a fragrance ingredient or other intentionally added substance or combination of substances in a feminine hygiene product, unless the intentionally added substance or combination of substances is confidential business information.*

Sec. 2.6. *"Intentionally added" means a substance that serves a technical or functional purpose in the finished feminine hygiene product.*

Sec. 2.9. *"Manufacturer" means a person or entity:*

1. That manufacturers feminine hygiene products and whose name appears on the product label; or

2. For whom the product is manufactured or distributed, as identified on the product label pursuant to the Fair Packaging and Labeling Act, 15 U.S.C. §§ 1451 et seq.

Sec. 3. *1. Except as otherwise provided in this subsection, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State must bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product. Reasonable variations shall be permitted, and exemptions as to a small package shall be established by regulations prescribed by the Commissioner.*

2. On the list of ingredients required pursuant to subsection 1, the ingredients must be:

(a) Listed in order of predominance by weight unless the weight of the ingredient is 1 percent or less. If the weight of an ingredient is less than 1 percent, the ingredient may be listed in any order following the other ingredients.

(b) Except as otherwise provided in this ~~[paragraph,]~~ section, identified using standardized nomenclature, including, without limitation, the International Nomenclature of Cosmetic Ingredients, the Consumer Product Ingredients Dictionary published by the Household and Commercial Products Association or the common name of the chemical. If the ingredient does not have a standardized nomenclature, the ingredient must be identified using the name established by the Center for Baby and Adult Hygiene Products.

3. If ~~[the]~~ an ingredient is confidential business information, the ingredient may be identified on the list of ingredients required pursuant to subsection 1 by its common name.

~~[3.]~~ 4. If a manufacturer has an Internet website, the list of ingredients that is required pursuant to subsection 1 must be posted on the Internet website of the manufacturer.

5. Nothing in this section prohibits a manufacturer from using technology, including, without limitation, a link to an Internet website, to communicate the information required by this section.

Sec. 3.5. *A manufacturer must revise the list of ingredients on the label of a feminine hygiene product pursuant to section 3 of this act not later than:*

1. For the label on a package or box containing a feminine hygiene product, 18 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list, unless the designated list becomes effective at a later date.

2. For a list of ingredients posted on the Internet website of the manufacturer, 6 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list, unless the designated list becomes effective at a later date.

Sec. 4. (Deleted by amendment.)

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 611 to Assembly Bill No. 169 adds cosponsors to the bill, defines the term "fragrance ingredient" and updates the naming convention for certain ingredients.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 613.

SUMMARY—Revises provisions governing cultural competency training. (BDR 40-820)

AN ACT relating to health care; revising provisions relating to the requirement that certain medical facilities conduct training of certain agents and employees in cultural competency; requiring the Office of Minority Health and Equity of the Department of Health and Human Services to establish, maintain and distribute a list of courses and programs relating to cultural competency that certain medical facilities are required to use to conduct training of certain agents and employees; increasing the number of hours of instruction relating to cultural competency that certain health care professionals are required to complete; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the State Board of Health shall require, by regulation, a medical facility, facility for the dependent and certain other facilities to conduct training relating specifically to cultural competency for any agent or employee of the facility so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are: (1) from various racial and ethnic backgrounds; (2) from various religious backgrounds; (3) persons with various sexual orientations and gender identities or expressions; (4) children and senior citizens; (5) persons with a mental or physical disability; and (6) part of any other population that such an agent or employee may need to better understand. Such training relating to cultural competency must be provided through a course or program that is approved by the Department of Health and Human Services. (NRS 449.103) Section 1 of this bill: (1) requires the Board to set forth by regulation the frequency with which such a facility is required to conduct the training relating to cultural competency; and (2) creates an exception to the requirement to provide such training if an agent or employee of the facility has successfully completed a course or program of cultural competency as part of the continuing education requirements for the agent or employee to renew his or her professional license, registration or certificate, as applicable. Section 1 further limits the requirement to receive training relating to cultural competency to agents and employees who: (1) provide clinical, administrative or support services and regularly have direct patient contact as part of their regular job duties; or (2) oversee such agents or employees. Section 1 further requires the Office of Minority Health and Equity of the Department of Health and Human Services to: (1) establish and maintain a list of courses and programs on cultural competency that are approved for training relating to

cultural competency; (2) make the most current list available on the Internet website of the Office; and (3) ensure that the list is distributed to each facility required to conduct the training on cultural competency. Finally, section 1: (1) authorizes a facility to apply to the Department to provide a course or program on cultural competency that is not already approved by the Department; and (2) requires the Department to report annually to certain joint interim committees of the Legislature the average length of time within which the Department approved a course or program of training in the immediately preceding year.

Existing law requires, as a prerequisite for the renewal of a license, a nurse, psychologist, marriage and family therapist, clinical professional counselor, social worker or behavior analyst to complete at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. (NRS 632.343, 641.220, 641A.260, 641B.280, 641D.360) Existing law requires, as a prerequisite for the renewal of a license or certificate, an alcohol and drug counselor or problem gambling counselor to complete at least 1 hour of instruction relating to cultural competency and diversity, equity and inclusion. (NRS 641C.450) Section 3 of this bill requires a nurse to complete at least 4 hours of such instruction. Sections 5-7 of this bill require a psychologist, marriage and family therapist, clinical professional counselor or social worker to complete at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. Section 8 of this bill requires an alcohol and drug counselor or problem gambling counselor to complete at least 3 hours of instruction relating to cultural competency and diversity, equity and inclusion. Section 9 of this bill requires a behavior analyst to complete at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion.

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

Section 1. NRS 449.103 is hereby amended to read as follows:

449.103 1. ~~[To]~~ *Except as otherwise provided in subsection* ~~[2,]~~ 3, *to* enable an agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed who ~~[provides care to a patient or resident of the facility]~~ *is described in subsection 2* to more effectively treat patients or care for residents, as applicable, the Board shall, by regulation, require such a facility to conduct training relating specifically to cultural competency for any agent or employee of the facility who ~~[provides care to a patient or resident of the facility]~~ *is described in subsection 2* so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are:

(a) From various racial and ethnic backgrounds;

(b) From various religious backgrounds;

(c) Persons with various sexual orientations and gender identities or expressions;

(d) Children and senior citizens;

(e) Persons with a mental or physical disability; and

(f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.

➥ *The Board shall set forth by regulation the frequency with which a medical facility, facility for the dependent or other facility is required to provide such training relating to cultural competency.*

2. ~~[~~The~~]~~ *Except as otherwise provided in subsection 3, the requirements of subsection 1 apply to any agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed who:*

(a) Provides clinical, administrative or support services and has direct patient contact at least once each week on average as a part of his or her regular job duties; or

(b) Oversees an agent or employee described in paragraph (a).

3. A medical facility, facility for the dependent or other facility is not required to provide training relating specifically to cultural competency to an agent or employee who is described in subsection 2 and who has successfully completed a course or program in cultural competency as part of the continuing education requirements for the agent or employee to renew his or her professional license, registration or certificate, as applicable.

~~*[3.]*~~ *4. Except as otherwise provided in subsection* ~~*[5,]*~~ *6, the* training relating specifically to cultural competency conducted by a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed pursuant to subsection 1 must be provided through a course or program that is approved by the Department of Health and Human Services.

~~*[4.]*~~ *5. The Office of Minority Health and Equity of the Department of Health and Human Services shall:*

(a) Establish and maintain a list of the courses and programs that are approved for training relating to cultural competency pursuant to subsection ~~*[3.]*~~ *4. The Office shall make the most current list available on the Internet website of the Office.*

(b) Ensure that the list established and maintained pursuant to paragraph (a) is distributed to each medical facility, facility for the dependent or other facility which is required to conduct training relating specifically to cultural competency pursuant to subsection 1.

~~*[5.]*~~ *6. A medical facility, facility for the dependent or other facility which is required to conduct training specifically relating to cultural competency may apply to the Department of Health and Human Services to provide a course or program on cultural competency that is not approved by the Department pursuant to subsection* ~~*[3.]*~~ *4. Any such request must be approved*

or denied by the Department not later than 10 business days after the receipt of the application.

~~*[6.]*~~ *7. On or before October 1 of each year, the Department of Health and Human Services shall report the average length of time within which the Department approved a course of program or training relating to cultural competency in the immediately preceding year pursuant to subsection* ~~*[3]*~~ *4 or* ~~*[5,]*~~ *6, as applicable, to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Commerce and Labor.*

8. As used in this section:

(a) "Direct patient contact" means direct contact with a patient or resident of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed which is in person or using telephone, electronic mail, telehealth or other electronic means, except that the term does not include incidental contact.

(b) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

(a) An accredited school of professional nursing;

(b) An accredited school of practical nursing;

(c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered nurse:

(1) A course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 6.

(2) The ability to receive credit toward the total amount of continuing education required by subsection 1 for the completion of a course of instruction relating to genetic counseling and genetic testing.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) For each person licensed pursuant to this chapter, one or more courses of instruction that provide at least ~~[2]~~ *4* hours of instruction relating to cultural competency and diversity, equity and inclusion to be completed biennially. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a person licensed pursuant to this chapter may need to better understand, as determined by the Board.

(d) For a person licensed as an advanced practice registered nurse, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder to be completed within 2 years after initial licensure.

4. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass

destruction in addition to the course of instruction required by paragraph (b) of subsection 3.

5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board.

4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation:

(a) A requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. The hours of instruction required by this paragraph must be completed within 2 years after initial licensure and at least every 4 years thereafter.

(b) A requirement that the holder of a license must biennially receive at least ~~[2]~~ *6* hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license may need to better understand, as determined by the Board.

Sec. 6. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license to practice as a marriage and family therapist or clinical professional counselor issued pursuant to this chapter, each person must, on or before 10 business days after the date of expiration of his or her current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for the biennial renewal of a license set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board, unless the Board has granted a waiver pursuant to NRS 641A.265; and

(d) Submit all information required to complete the renewal.

2. Except as otherwise provided in NRS 641A.265, the Board shall, as a prerequisite for the renewal of a license to practice as a marriage and family therapist or clinical professional counselor, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that the holder receive at least ~~[2]~~ *6* hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a marriage and family therapist or clinical professional counselor may need to better understand, as determined by the Board.

Sec. 7. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Except as otherwise provided in NRS 641B.295, submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and

(d) Submitting all information required to complete the renewal.

2. Except as otherwise provided in NRS 641B.295, the Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that every 2 years the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that every 2 years the holder receive at least ~~[2]~~ *6* hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license issued pursuant to this chapter may need to better understand, as determined by the Board.

Sec. 8. NRS 641C.450 is hereby amended to read as follows:

641C.450 Except as otherwise provided in NRS 641C.310, 641C.320, 641C.440 and 641C.530, a person may renew his or her license or certificate by submitting to the Board:

1. An application for the renewal of the license or certificate.

2. The fee for the renewal of a license or certificate prescribed in NRS 641C.470.

3. Evidence of completion of the continuing education required by the Board, which must include, without limitation:

(a) A requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate for each year of the term of the applicant's licensure or certification.

(b) A requirement that the applicant receive at least ~~[1 hour]~~ *3 hours* of instruction relating to cultural competency and diversity, equity and inclusion for each year of the term of the applicant's licensure or certification. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license or certificate may need to better understand, as determined by the Board.

4. If the applicant is a certified intern, the name of the licensed or certified counselor who supervises the applicant.

5. All information required to complete the renewal.

Sec. 9. NRS 641D.360 is hereby amended to read as follows:

641D.360 1. To renew a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or registration;

(c) Submit evidence to the Board:

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the Board, if applicable; and

(2) That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of NRS 641D.300.

3. The Board shall adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each holder to complete continuing education, which must:

(a) Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable.

(b) Include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

(c) Include, without limitation, a requirement that the holder of a license as a behavior analyst receive at least ~~[2]~~ *6* hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a behavior analyst may need to better understand, as determined by the Board.

4. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

Sec. 9.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9.5, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 613 to Assembly Bill No. 267 further limits the requirement to receive cultural competency training to agents and employees that provide certain services and oversee agents or employees that provide these services. Finally, it updates the definition of "telehealth" and "direct patient contact."

Amendment adopted.

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

Assembly Bill No. 410.

Bill read second time.

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

Amendment No. 555.

SUMMARY—Revises provisions relating to industrial insurance. (BDR 53-1030)

AN ACT relating to industrial insurance; revising the circumstances in which certain employees are authorized to receive compensation under industrial insurance for certain stress-related claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, an injury or disease sustained by an employee caused by stress is compensable under industrial insurance only if the employee can prove by clear and convincing medical or psychiatric evidence that: (1) the employee has a mental injury caused by extreme stress in time of danger; (2) the primary cause of the injury was an event that arose out of and during the course of his or her employment; and (3) the stress was not caused by a layoff, termination or disciplinary action. Existing law provides that a first responder may prove by clear and convincing medical or

psychiatric evidence that the mental injury was primarily caused by the first responder witnessing an event of a certain specified type during the course of his or her employment. Under existing law, an ailment or disorder caused by any gradual mental stimulus or any death or disability ensuing therefrom is not compensable under industrial insurance. (NRS 616C.180)

Section 1 of this bill expands the stress-related injuries that may be compensable under industrial insurance under certain circumstances to include a mental injury which afflicts a first responder and which is caused by extreme stress for which the primary cause was witnessing an event or series of events that arose out of and during the course of employment and involved: (1) the death, or aftermath of the death, of a person as a result of a violent event; or (2) an injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience.

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

Section 1. NRS 616C.180 is hereby amended to read as follows:

616C.180 1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if it arose out of and in the course of his or her employment.

2. ~~[Any]~~ *Except as otherwise provided in subsection 4, any* ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. Except as otherwise provided by subsections 4 and 5, an injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress in time of danger;

(b) The primary cause of the injury was an event that arose out of and during the course of his or her employment; and

(c) The stress was not caused by his or her layoff, the termination of his or her employment or any disciplinary action taken against him or her.

4. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment ~~[, and shall not be deemed the result of gradual mental stimulus,]~~ if the employee is a first responder and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee directly witnessing:

(1) The death, or the aftermath of the death, of a person as a result of a violent event, including, without limitation, a homicide, suicide or mass casualty incident; or

(2) An injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience; and

(b) The primary cause of the mental injury was the employee witnessing an event *or a series of events* described in paragraph (a) during the course of his or her employment.

5. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, and shall not be deemed the result of gradual mental stimulus, if the employee is employed by the State or any of its agencies or political subdivisions and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident; and

(b) The primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.

6. An agency which employs a first responder, including, without limitation, a first responder who serves as a volunteer, shall provide educational training to the first responder related to the awareness, prevention, mitigation and treatment of mental health issues.

7. The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457.

8. As used in this section:

(a) "Directly witness" means to see or hear for oneself.

(b) "First responder" means:

(1) A salaried or volunteer firefighter;

(2) A police officer;

(3) An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State; or

(4) An emergency medical technician or paramedic who is employed by a public safety agency in this State.

(c) "Mass casualty incident" means an event that, for the purposes of emergency response or operations, is designated as a mass casualty incident by one or more governmental agencies that are responsible for public safety or for emergency response.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

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 becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 555 to Assembly Bill No. 410 adds Senators Pazina, Spearman and Stone as cosponsors to the bill.

Amendment adopted.

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

Assembly Bill No. 23.

Bill read second time.

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

Amendment No. 540.

SUMMARY—Revises provisions relating to the resolution of certain administrative citations issued by the State Contractors' Board. (BDR 54-266)

AN ACT relating to contractors; authorizing a person who is issued a written administrative citation by the State Contractors' Board to request an informal citation conference before the Executive Officer of the Board; establishing requirements and procedures for such an informal citation conference; revising procedures by which a person is authorized to contest a citation; providing that the failure of a person to comply with the terms of a citation which has been affirmed or modified within a certain period of time constitutes cause for disciplinary action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Contractors' Board to issue or authorize the issuance of a written administrative citation to a person if the Board has reason to believe the person: (1) acted as a contractor without an active license of the proper classification; or (2) has violated provisions of existing law governing contractors or regulations of the Board. (NRS 624.341) Existing law authorizes a person who is issued such a citation to contest the citation within 15 business days after the date on which the citation was served and requires the Board to conduct a hearing on the matter. (NRS 624.345, 624.351) If a person does not contest a citation within that period and the Board does not extend that period, the citation is deemed a final order of the Board and not subject to review by any court or agency. (NRS 624.345) Section 4 of this bill revises the requirement for the Board to hold a hearing concerning a contested citation to require: (1) a person who wishes to contest a citation to submit to the Board written notice of his or her intent to contest the citation; and (2) the Board to hold the hearing on the matter within 90 calendar days after receipt of the written notice.

Section 1 of this bill creates an additional, informal process for the resolution of an administrative citation issued by the Board. Section 1 authorizes a person who is issued such a citation to submit to the Executive Officer of the Board, within 15 business days after the date on which the citation is served on the person, a written request for an informal citation conference. Under section 1, the Executive Officer is required to conduct an informal citation conference within 60 business days after receiving such a request. At the conclusion of the conference, section 1 requires the Executive Officer to affirm, modify or dismiss the citation and, if the citation is affirmed or modified, serve the affirmed or modified citation on the person or his or her attorney. Sections 1

and 3 of this bill authorize a person who wishes to contest a citation which has been affirmed or modified following an informal citation conference to contest the citation within 15 business days after the date on which the affirmed or modified citation is served on the person. If the person submits to the Board written notice of his or her intent to contest the affirmed or modified citation within that period, or if that period is extended by the Board, section 4 requires the Board to hold a hearing on the matter. If the person fails to contest the affirmed or modified citation within that period and that period is not extended by the Board, section 3 of this bill deems the affirmed or modified citation a final order of the Board and not subject to review by any court or agency.

Existing law provides that the failure of a person to comply with a citation issued by the Board within the period permitted for compliance set forth in the citation or, if a hearing is held, within 15 business days after the hearing, constitutes cause for disciplinary action by the Board. (NRS 624.302) Section 2 of this bill provides that the failure of a person to comply with a citation that has been affirmed or modified following an informal citation conference within the time permitted for compliance or, if a hearing is held on the affirmed or modified citation, within 15 business days after the hearing, also constitutes cause for disciplinary action by the Board.

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

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is issued a written citation pursuant to NRS 624.341 may, within 15 business days after the date on which the citation is served on the person, submit to the Executive Officer or his or her designee a written request for an informal citation conference.

2. The Executive Officer or his or her designee shall, within 60 business days after the date on which a written request for an informal citation conference is received, conduct an informal citation conference with the person who submitted the request. The person may be represented by legal counsel at the conference.

3. Subject to the provisions of subsections 4 and 5, the Executive Officer or his or her designee may enter reasonable orders governing how an informal citation conference is conducted. An informal citation conference may be conducted in an informal manner and is not required to be conducted in accordance with the requirements for the conduct of a hearing set forth in NRS 233B.121 to 233B.150, inclusive.

4. At an informal citation conference, the Executive Officer or his or her designee and the person who submitted the request for the informal citation conference shall present all evidence that is known to them at the time of the conference that substantiates their respective positions.

5. An informal citation conference must not be recorded. Any offer of settlement or other statement made during an informal citation conference must not be used as an admission in any subsequent hearing, and the Executive

Officer or his or her designee shall so inform the person who submitted the request for the informal citation conference at the beginning of the conference.

6. At the conclusion of an informal citation conference, the Executive Officer or his or her designee shall affirm, modify or dismiss the citation.

~~[5.]~~ 7. If the Executive Officer or his or her designee affirms or modifies a citation pursuant to subsection ~~[4.]~~ 6:

(a) The original citation issued pursuant to NRS 624.341 shall be considered withdrawn and replaced by the affirmed or modified citation; and

(b) The Executive Officer or his or her designee shall, within 15 business days after the date on which the informal citation conference is concluded, serve on the person and his or her counsel, if applicable, the affirmed or modified citation and a written statement of the reasons for the decision to affirm or modify the citation.

~~[6.]~~ 8. A person whose citation was affirmed or modified pursuant to this section:

(a) May contest the affirmed or modified citation in accordance with the procedures set forth in NRS 624.345.

(b) May not submit a request to the Executive Officer or his or her designee for an informal citation conference concerning the affirmed or modified citation.

~~[7.]~~ 9. For the purposes of this section, a citation shall be deemed to have been served on a person on:

(a) The date on which the citation is personally delivered to the person; or

(b) If the citation is mailed, the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 2. NRS 624.302 is hereby amended to read as follows:

624.302 The following acts or omissions, among others, constitute cause for disciplinary action pursuant to NRS 624.300:

1. Contracting, offering to contract or submitting a bid as a contractor if the contractor's license:

(a) Has been suspended or revoked pursuant to NRS 624.300; or

(b) Is inactive.

2. Failure to comply with a written citation issued pursuant to NRS 624.341 ~~[within]~~ *:*

(a) Within the time permitted for compliance set forth in the citation ~~[,]~~ *or, if the citation is affirmed or modified following an informal citation conference pursuant to section 1 of this act, within the time permitted for compliance set forth in the affirmed or modified citation;* or ~~[, if]~~

(b) If a hearing is held pursuant to NRS 624.291, within 15 business days after the hearing.

3. Except as otherwise provided in subsection 2, failure to pay an administrative fine imposed pursuant to this chapter within 30 days after:

(a) Receiving notice of the imposition of the fine; or

(b) The final administrative or judicial decision affirming the imposition of the fine,

➥ whichever occurs later.

4. The suspension, revocation or other disciplinary action taken by another state against a contractor based on a license issued by that state if the contractor is licensed in this State or applies for a license in this State. A certified copy of the suspension, revocation or other disciplinary action taken by another state against a contractor based on a license issued by that state is conclusive evidence of that action.

5. Failure or refusal to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint.

6. Failure or refusal to comply with a written request by the Board or its designee for information or records, or obstructing or delaying the providing of such information or records.

7. Failure or refusal to comply with an order of the Board.

Sec. 3. NRS 624.345 is hereby amended to read as follows:

624.345 1. A person who is issued a written citation pursuant to NRS 624.341 or an order to cease and desist pursuant to NRS 624.212 may contest the citation or order ~~[within]~~ *:*

(a) Within 15 business days after the date on which the citation or order is served on the person ~~[.]~~ *; or*

(b) For a citation that has been affirmed or modified following an informal citation conference pursuant to section 1 of this act, within 15 business days after the date on which the affirmed or modified citation is served on the person.

2. A person may contest, without limitation:

(a) The facts forming the basis for the determination that the person has committed an act which constitutes a violation of this chapter or the regulations of the Board;

(b) The time allowed to take any corrective action ordered;

(c) The amount of any administrative fine ordered;

(d) The amount of any order to reimburse the Board for the expenses incurred to investigate the person; and

(e) Whether any corrective action described in the citation or order is reasonable.

3. ~~[If a person does not contest a]~~ *A* citation issued pursuant to NRS 624.341 or an order to cease and desist issued pursuant to NRS 624.212 ~~[within]~~ *shall be deemed a final order of the Board and not subject to review by any court or agency if the person to whom the citation or order is issued does not contest the citation or order:*

(a) Within 15 business days after the date on which the citation or order is served on the person ~~[,]~~ *;*

(b) For a citation that has been affirmed or modified following an informal citation conference conducted pursuant to section 1 of this act, within 15 business days after the date on which the affirmed or modified citation is served on the person; or ~~[on]~~

(c) On or before such later date as specified by the Board pursuant to subsection 4 . ~~[, the citation or order shall be deemed a final order of the Board and not subject to review by any court or agency.]~~

4. The Board may, for good cause shown, extend the time to contest a citation issued pursuant to NRS 624.341 or an order to cease and desist issued pursuant to NRS 624.212.

5. For the purposes of this section:

(a) An order to cease and desist must be served in accordance with NRS 624.212.

(b) A citation shall be deemed to have been served on a person on:

(1) The date on which the citation is personally delivered to the person; or

(2) If the citation is mailed, the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 4. NRS 624.351 is hereby amended to read as follows:

624.351 ~~[If]~~ *1. The Board shall hold a hearing pursuant to NRS 624.291 if* a person ~~[contests]~~ *submits to the Board written notice of his or her intent to contest* a citation issued pursuant to NRS 624.341 or order to correct a violation of the provisions of this chapter ~~[within]~~ *:*

(a) Within 15 business days after ~~[receiving]~~ *the date on which* the citation or order ~~[,]~~ *is served on the person;*

(b) For a citation that has been affirmed or modified following an informal citation conference conducted pursuant to section 1 of this act, within 15 business days after the date on which the affirmed or modified citation is served on the person; or ~~[on]~~

(c) On or before such later date as specified by the Board pursuant to subsection 4 of NRS 624.345 . ~~[, the Board shall hold a hearing pursuant to NRS 624.291.]~~

2. If a person submits to the Board written notice of his or her intent to contest a citation or order within the time required by paragraph (a) or (b) of subsection 1, the Board shall hold the hearing required by subsection 1 not later than 90 calendar days after the date on which the Board receives the written notice.

Sec. 5. The amendatory provisions of this act apply only to a written citation issued pursuant to NRS 624.341 on or after October 1, 2023.

Sec. 6. (Deleted by amendment.)

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 540 to Assembly Bill No. 23 sets forth certain actions and procedures that may be taken during an informal citation conference.

Amendment adopted.

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

Assembly Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 584.

SUMMARY—Makes various changes relating to education. (BDR 34-283)

AN ACT relating to education; revising provisions governing the compulsory school attendance of certain children; revising the content required in certain annual reports of accountability of schools and school districts; revising provisions governing the reimbursement of certain hospitals and other facilities for providing educational services to children in their care; revising provisions governing the counting of pupils for purposes of calculating apportionment; requiring a child who has taken a high school equivalency assessment to attend school until receipt of notice of successful completion of the assessment; requiring a county advisory board to review school attendance to reflect the ethnic and geographic diversity of the county; revising provisions governing the absences of pupils; revising provisions governing habitual truancy; authorizing certain written notices and other documents to be made electronically; requiring a school to take certain actions relating to a truant pupil; imposing certain duties relating to chronic absenteeism on the board of trustees of a school district and the Department of Education; repealing certain provisions excusing attendance for certain children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each school district, each school in the school district and each charter school sponsored by the school district to prepare an annual report of accountability which includes information concerning pupils who are eligible for and receive free or reduced-price breakfasts and lunches. (NRS 385A.270) Section 2 of this bill eliminates the requirement to include in such a report information concerning pupils who receive free or reduced-price breakfasts and lunches.

Under existing law, certain hospitals and other facilities that provide residential treatment to children and also operate a licensed private school or an accredited educational program approved by the Department of Education are authorized to request reimbursement from the Department for the cost of providing educational services to a child who is verified to be a patient or resident of the hospital or facility, attends the private school or educational program for more than 7 school days and meets certain other requirements. Upon receiving such a request, the Department is required to determine the amount of reimbursement as a percentage of the adjusted base per pupil funding for the school district which the child would otherwise attend if the child were not in the hospital or facility or the statewide base per pupil funding amount for the charter school which the pupil would otherwise attend. (NRS 387.1225) Section 4 of this bill authorizes the hospital or facility to request reimbursement from the school district or charter school in which the child is enrolled and revises the requirements to request such reimbursement. Section 4 also revises the method of calculating the amount of reimbursement

to base the reimbursement upon a daily rate of the adjusted base per pupil funding for the school district or a daily rate of the statewide base per pupil funding amount or adjusted base per pupil funding for the charter school, as applicable.

Existing law requires the State Board of Education to adopt regulations for counting enrollment and calculating the average daily attendance of pupils for apportionment purposes. (NRS 387.123) Section 5 of this bill requires, instead, the use of the average daily enrollment of pupils for such purposes.

Existing law requires, with certain exceptions, each parent, custodial parent, guardian or other person in this State having control or charge of any child between the ages of 7 and 18 years to send the child to a public school during all the time the school is in session. (NRS 392.040) Section 13 of this bill: (1) clarifies that such a child must also be enrolled in a public school; (2) requires that the child be sent to school for the full school day during all the time the school is in session; (3) requires the parent or legal guardian of the child to sign a statement or acknowledge via registration on an Internet website maintained by the school district that the parent or legal guardian and the child understand the district's policy concerning attendance; and (4) provides that a pupil who receives certain services outside of a public school shall be deemed to be in attendance at the public school and in compliance with the requirements for attendance during the time the pupil is receiving the services and is being transported to and from the school to receive those services. Sections 1, 3, 6-10, 12, 15, 16, 22, 27, 29-31 and 34-45 of this bill revise various provisions as they relate to compulsory school attendance to conform with the additional requirements of school enrollment established in section 13.

Existing law provides that compulsory attendance at public school must be excused if a child has obtained permission to take the high school equivalency assessment. (NRS 392.075) Section 17 of this bill provides that after the child has taken the assessment, school attendance is required until the child receives notification of the successful completion of the assessment.

Existing law requires the board of trustees of a school district to prescribe a minimum number of days that a pupil must be in attendance to obtain credit or be promoted to the next higher grade. (NRS 392.122) Section 18 of this bill authorizes a board of trustees of a school district to adopt a policy prescribing the circumstances under which a pupil will be considered chronically absent. Section 18 also: (1) eliminates provisions requiring, under certain circumstances, days on which a pupil's absence is approved by a teacher or principal to be credited towards the required days of attendance; (2) revises the process by which, upon request by the pupil and the parent or legal guardian of a pupil, a principal or principal's designee is required to review and recalculate the number of the pupil's absences for the purposes of determining whether the pupil may obtain credit or be promoted to the next higher grade; and (3) eliminates provisions authorizing the board of trustees of a school district to adopt a policy to exempt pupils who are physically or mentally

unable to attend school from certain limitations on absences and certain conditions required in such a policy.

Existing law creates in each county at least one advisory board to review school attendance. (NRS 392.126) Section 19 of this bill requires the membership of each such board to reflect, to the greatest extent possible, the ethnic and geographic diversity of the county.

Existing law requires a teacher or principal to give written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. (NRS 392.130) Section 20 of this bill: (1) revises this provision to authorize a teacher or principal to give such approval upon the request of a parent or legal guardian, made during the absence or within the 3 days immediately preceding or the 3 days immediately following the requested absence for an emergency; (2) prohibits the approval of absences for more than 10 percent of the number of school days in the school year; (3) requires all approved and unapproved absences to be counted for the purposes of determining whether a pupil is chronically absent; and (4) requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to communicate its policy on truancy and the Department's definition of chronic absenteeism to parents and legal guardians in a language they can understand and provide a parent or legal guardian notice when a pupil is approaching the 10 percent limit in the number of absences that may be approved.

Sections 20, 23-26 and 29 of this bill authorize certain notices, consents, referrals, agreements, reports and other documentation which must be in writing to be made electronically.

Section 21 of this bill revises the circumstances under which a child may be declared a habitual truant and provides an exception for a child who is physically or mentally unable to attend school.

Existing law requires a school in which a pupil is enrolled to take reasonable actions designed to encourage, enable or convince the pupil to attend school if the pupil has one or more unapproved absences. (NRS 392.144) Section 23 of this bill requires the school to take such actions if the pupil has been truant from school.

Section 28 of this bill requires the board of trustees of each school district to: (1) establish procedures to monitor and report chronic absenteeism of pupils; and (2) determine chronic absenteeism of pupils at each school within the district. Section 28 also requires: (1) the Department to adopt by regulation a definition of the term "chronic absenteeism"; and (2) the board of trustees of each school district to ensure that the actions taken pursuant to that section are consistent with the definition adopted by the Department.

Section 46 of this bill repeals provisions excusing attendance for children: (1) who reside a certain distance from the nearest public school; and (2) between 15 and 18 years of age who have completed the first eight grades to enter employment or apprenticeship.

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

Section 1. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Challenge school" has the meaning ascribed to it in NRS 388D.305.

2. "Charter school" means a public school that is formed pursuant to the provisions of chapter 388A of NRS.

3. "Department" means the Department of Education.

4. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

5. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory *enrollment and* attendance pursuant to NRS 392.070.

6. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

7. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

8. "School bus" has the meaning ascribed to it in NRS 484A.230.

9. "School counselor" or "counselor" means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school counselor issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school counselor.

10. "School psychologist" or "psychologist" means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school psychologist issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school psychologist.

11. "School social worker" or "social worker" means a social worker licensed pursuant to chapter 641B of NRS who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school social worker issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school social worker.

12. "State Board" means the State Board of Education.

13. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 2. NRS 385A.270 is hereby amended to read as follows:

385A.270 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the

district, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et-seq., including, without limitation:

(a) The number and percentage of pupils who are eligible for free or reduced-price breakfasts; *and*

(b) ~~[The percentage of pupils who receive free and reduced price breakfasts;~~

~~(c)]~~ The number and percentage of pupils who are eligible for free or reduced-price ~~[lunches;~~

~~(d) The percentage of pupils who receive free and reduced price]~~ lunches . ~~[;~~

~~(e) A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced price breakfasts, pupils who receive free and reduced price breakfasts, pupils who are eligible for free or reduced price lunches, pupils who receive free and reduced price lunches and pupils who are not eligible for free or reduced price breakfasts or lunches;~~

~~(f) A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced price breakfasts, pupils who receive free and reduced price breakfasts, pupils who are eligible for free or reduced price lunches and pupils who receive free and reduced price lunches for which data is required to be collected in the following areas:~~

~~(1) Retention rates;~~

~~(2) Graduation rates;~~

~~(3) Dropout rates;~~

~~(4) Grade point averages; and~~

~~(5) Except as otherwise provided in subsection 6 of NRS 390.105, scores on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.]~~

2. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 3. NRS 385B.020 is hereby amended to read as follows:

385B.020 "Pupil" means a student of a school or a child that receives instruction at home and is excused from compulsory *enrollment and* attendance pursuant to NRS 392.070.

Sec. 4. NRS 387.1225 is hereby amended to read as follows:

387.1225 1. A hospital or other facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provides residential treatment to children and which operates a private school licensed pursuant to chapter 394 of NRS may request reimbursement from the ~~[Department]~~ *school district or charter school in which a child is enrolled* for the cost of providing educational services to ~~[a]~~ *the* child ~~[who:]~~ *if:*

(a) The ~~[Department]~~ *school district or charter school* verifies *that the child* is a patient or resident of the hospital or facility; and

(b) ~~[Attends]~~ *The child attends* the private school for more than 7 school days.

2. A hospital or other facility licensed in the District of Columbia or any state or territory of the United States that provides residential treatment and which operates an educational program accredited by a national organization and approved by the Department of Education may request reimbursement from the ~~[Department]~~ *school district or charter school in which a child is enrolled* for the cost of providing educational services to ~~[a]~~ *the* child ~~[who:]~~ *if:*

(a) The Department ~~[verifies:]~~ *and the school district or charter school, as applicable, verify that the child:*

(1) Is a patient or resident of the hospital or facility; and

(2) Is a resident of this State; *and*

(b) *The child:*

(1) Is admitted to the hospital or facility on an order from a physician because the necessary treatment required for the child is not available in this State;

~~[(c)]~~ *(2)* Attends the accredited educational program for more than 7 school days;

~~[(d)]~~ *(3)* Is not homeschooled or enrolled in a private school; and

~~[(e)]~~ *(4)* Has been admitted to the medical facility under the order of a physician to receive medically necessary treatment for a medical or mental health condition with which the child has been diagnosed.

3. A hospital or other facility that wishes to receive reimbursement pursuant to subsection 2 shall:

(a) Notify the *Department and the* school district or charter school in which the child is enrolled upon admitting the child to the accredited educational program; and

(b) Transfer any educational records of the child to the school district or charter school in which the child is enrolled in accordance with any applicable regulations adopted pursuant to subsection 9.

4. Upon receiving a request for reimbursement pursuant to subsection 1 or 2, the ~~[Department]~~ *school district or charter school in which the child is enrolled* shall determine the amount of reimbursement to which the hospital or facility is entitled ~~[as a percentage]~~ *by multiplying the number of days determined pursuant to subsection 6 by the following, as applicable:*

(a) The daily rate of the adjusted base per pupil funding for the school district which the child would otherwise attend . ~~[or]~~ *The daily rate of the adjusted base per pupil funding for the school district which the child would otherwise attend must be calculated by dividing the adjusted base per pupil funding provided to the school district in which the child is enrolled pursuant to NRS 387.1214 by 180.*

(b) The daily rate of the statewide base per pupil funding amount *or adjusted base per pupil funding, as applicable,* for the charter school which the child would otherwise attend . ~~[, as applicable.]~~ *The daily rate of the statewide base per pupil funding amount or adjusted base per pupil funding, as applicable, for the charter school which the child would otherwise attend must be calculated by dividing the statewide base per pupil funding amount or adjusted base per pupil funding, as applicable, provided to the charter school in which the child is enrolled pursuant to NRS 387.1214 by 180.*

5. If the request for reimbursement is made pursuant to subsection 1, the child is a pupil with a disability and the hospital or facility is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto, the hospital or facility is also entitled to ~~[a corresponding percentage of]~~ *an amount determined by increasing the daily rate determined pursuant to subsection 4 by* the statewide multiplier for the pupil established pursuant to NRS 387.122, which is ~~[withheld from]~~ *received by* the school district or charter school where the child was enrolled before being placed in the hospital or facility ~~[.]~~ *for the number of days determined pursuant to subsection 6.* The Department shall distribute the money withheld from the school district or charter school to the hospital or facility.

6. For the purposes of subsections 4 and 5, the amount of reimbursement to which the hospital or facility is entitled must be calculated on the basis of the number of school days the child is a patient or resident of the hospital or facility and attends the private school or accredited educational program, as applicable, excluding the 7 school days prescribed in paragraph (b) of subsection 1 or *subparagraph (2) of* paragraph ~~[(c)]~~ *(b)* of subsection 2, as applicable . ~~[, in proportion to the number of days of instruction scheduled for that school year by the board of trustees of the school district or the charter school, as applicable.]~~

7. A hospital or other facility is not entitled to reimbursement for days of instruction provided to a child in a year in excess of the minimum number of days of free school required by NRS 388.090.

8. If a hospital or other facility requests reimbursement from ~~[the Department]~~ *a school district or charter school* for the cost of providing educational services to a pupil with a disability pursuant to subsection 1 or 2, the school district or charter school in which the child is enrolled shall be deemed to be the local educational agency for the child for the purposes of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto.

9. The Department shall adopt any regulations necessary to carry out the provisions of this section, which may include, without limitation, regulations to:

(a) Prescribe a procedure for the transfer of educational records pursuant to subsection 3;

(b) Carry out or ensure compliance with the requirements of subsections 4 and 5 concerning reimbursement for educational services provided to a pupil with a disability; and

(c) Require the auditing of ~~[a]~~ *:*

(1) A hospital or other facility that requests reimbursement *; and*

(2) A school district or charter school from which reimbursement is requested,

↪ pursuant to this section to ensure compliance with any applicable provisions of federal or state law.

10. The provisions of this section must not be construed to authorize reimbursement pursuant to this section of a hospital or facility for the cost of health care services provided to a child.

11. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 5. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, pupils who are enrolled in a university school for profoundly gifted pupils located in the county and pupils who are enrolled in a challenge school located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.471 and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474.

(g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

(i) Pupils who are enrolled in a challenge school.

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily ~~[attendance]~~ *enrollment* of pupils. Except as otherwise provided in this subsection, in establishing such regulations for the public schools, the State Board:

(a) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(b) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

(c) Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.

Sec. 6. NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education if:

(a) Pursuant to this section or other specific statute, the pupil is eligible for enrollment or the pupil's enrollment is not otherwise prohibited;

(b) The program of distance education in which the pupil wishes to enroll is offered by the school district in which the pupil resides or a charter school or, if the program of distance education in which the pupil wishes to enroll is a full-time program of distance education offered by a school district other than the school district in which the pupil resides, the program is not the same or substantially similar to a program of distance education offered by the school district in which the pupil resides;

(c) The pupil satisfies the qualifications and conditions for enrollment adopted by the State Board pursuant to NRS 388.874; and

(d) The pupil satisfies the requirements of the program of distance education.

2. A child who is exempt from compulsory *enrollment and* attendance and is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled is not eligible to enroll in or ~~[otherwise]~~ attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1.

3. If a pupil who is prohibited from *enrolling in and* attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.150, inclusive, and 392.251 to 392.271, inclusive.

4. A pupil who is enrolled in grade 12 in a program of distance education and who moves out of this State is eligible to maintain enrollment in the program of distance education until the pupil graduates from high school.

Sec. 7. NRS 388A.366 is hereby amended to read as follows:

388A.366 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, except for tuition or fees that the board of trustees of a school district is authorized to charge, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 390.105 and, if the charter school enrolls pupils at a high school grade level, the college and career readiness assessment administered pursuant to NRS 390.610 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An

action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Northwest Accreditation Commission.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory *enrollment and* attendance pursuant to NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 8. NRS 388A.411 is hereby amended to read as follows:

388A.411 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the charter school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive, unless the pupil is exempt from compulsory *enrollment and* attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

2. The State Board shall prescribe a process which ensures that all charter schools, regardless of the sponsor, have information about all sources of funding for the public schools provided through the Department.

3. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

4. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Public Charter School Authority may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from

the Federal Government or this State for the provision of educational programs and services to such pupils.

Sec. 9. NRS 388C.260 is hereby amended to read as follows:

388C.260 1. Each pupil who is enrolled in a university school for profoundly gifted pupils, including, without limitation, a pupil who is enrolled in a program of special education in a university school for profoundly gifted pupils, must be included in the count of pupils in the university school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive, unless the pupil is exempt from compulsory school *enrollment and* attendance pursuant to NRS 392.070.

2. A university school for profoundly gifted pupils is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

3. All money received by a university school for profoundly gifted pupils from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State.

4. The governing body of a university school for profoundly gifted pupils may negotiate with the board of trustees of the school district in which the school is located or the State Board for additional money to pay for services that the governing body wishes to offer.

5. To determine the amount of money for distribution to a university school for profoundly gifted pupils in its first year of operation in which state funding is provided, the count of pupils who are enrolled in the university school must initially be determined 30 days before the beginning of the school year of the school district in which the university school is located, based upon the number of pupils whose applications for enrollment have been approved by the university school. The count of pupils who are enrolled in a university school for profoundly gifted pupils must be revised each quarter based upon the average daily enrollment of pupils in the university school reported for the preceding quarter pursuant to subsection 1 of NRS 387.1223.

6. Pursuant to NRS 387.1242, the governing body of a university school for profoundly gifted pupils may request that the apportionments made to the university school in its first year of operation be paid to the university school 30 days before the apportionments are otherwise required to be made.

7. If a university school for profoundly gifted pupils ceases to operate pursuant to this chapter during a school year, the remaining apportionments that would have been made to the university school pursuant to NRS 387.124 and 387.1242 for that school year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the university school reside.

8. If the governing body of a university school for profoundly gifted pupils uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the university school shall

assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 10. NRS 388D.020 is hereby amended to read as follows:

388D.020 1. If the parent of a child who is subject to compulsory *enrollment and* attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory *enrollment and* attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to NRS 388D.050;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

> I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or

request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school *enrollment and* attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

Sec. 11. NRS 388D.200 is hereby amended to read as follows:

388D.200 ~~[1.]~~ Except as otherwise provided in this ~~[subsection,]~~ *section*, if a child is exempt from compulsory *enrollment and* attendance pursuant to NRS 392.070 ~~[or 392.110,]~~ and the child is employed to work in the entertainment industry pursuant to a written contract for a period of more than 91 school days, or its equivalent if the child resides in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, including, without limitation, employment with a motion picture company or employment with a production company hired by a casino or resort hotel, the entity that employs the child shall, upon the request of the parent or legal guardian of the child, pay the costs for the child to receive at least 3 hours of tutoring per day for at least 5 days per week. In lieu of tutoring, the parent or legal guardian of such a child may agree with the entity that employs the child that the entity will pay the costs for the child to receive other educational or instructional services which are equivalent to tutoring. The provisions of this ~~[subsection]~~ *section* apply during the period of a child's employment with an entity, regardless of whether the child has obtained the appropriate exemption from compulsory *enrollment and* attendance at the time his or her contract with the entity is under negotiation.

~~[2. If such a child is exempt from compulsory attendance pursuant to NRS 392.110, the tutoring or other educational or instructional services received by the child pursuant to subsection 1 must be approved by the board of trustees of the school district in which the child resides.]~~

Sec. 12. NRS 392.016 is hereby amended to read as follows:

392.016 1. If a pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, the pupil may attend a public school that is located in a school district other than the school district in which the pupil resides.

2. If a pupil described in subsection 1 attends a public school that is located in a school district other than the school district in which the pupil resides:

(a) The pupil must be included in the count of pupils of the school district in which the pupil attends school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive.

(b) Neither the board of trustees of the school district in which the pupil attends school nor the board of trustees of the school district in which the pupil resides is required to provide transportation for the pupil to attend the public school.

3. The provisions of this section do not apply to a pupil who is ineligible to *enroll in or* attend a public school pursuant to NRS 392.264 or 392.4675.

Sec. 13. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall *enroll the child in a public school and* send the child to ~~[a]~~ *the* public school *for the full school day* during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before the first day of a school year may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before the first day of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before the first day of a school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before the first day of a school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before the first day of a school year may elect for the child not to *enroll in and* attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school *for the full school day* during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from

kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging *or acknowledge via registration on an Internet website maintained by the school district* that he or she has read and understands the policy concerning attendance *, the child understands the policy concerning attendance* and *the parent or legal guardian, as applicable, has read and understands* the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. *A pupil who receives services outside of a public school* ~~[, including, without limitation, services]~~ *pursuant to an individualized education program* ~~[,]~~ *or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794,* ~~[or some other similar agreement with the public school,]~~ *shall be deemed to be in attendance at the public school and in compliance with the requirements for attendance set forth in this section during the time the pupil is receiving the services and is being transported to and from the public school to receive those services.*

7. A child who is 7 years of age on or before the first day of a school year must:

(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.

(b) If the child has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's *enrollment and* attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection ~~[7]~~ *8* to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

~~[7.]~~ *8.* Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before the first day of the next school year; and

(b) Whose parents waived the child's *enrollment and* attendance from kindergarten pursuant to subsection 4,

➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

~~[8.]~~ *9.* Except as otherwise provided in subsection ~~[9,]~~ *10,* a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

~~[9.]~~ *10.* Pursuant to the provisions of NRS 388F.010, a child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

~~[10.]~~ *11.* As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 392.060 is hereby amended to read as follows:

392.060 ~~[Attendance]~~ *Enrollment and attendance* required by the provisions of NRS 392.040 shall be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child has already completed the 12 grades of the elementary and high school courses.

Sec. 16. NRS 392.070 is hereby amended to read as follows:

392.070 ~~[Attendance]~~ *Enrollment and attendance* of a child required by the provisions of NRS 392.040 must be excused when:

1. The child is enrolled in a private school pursuant to chapter 394 of NRS; or

2. A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with NRS 388D.020.

Sec. 17. NRS 392.075 is hereby amended to read as follows:

392.075 ~~[Attendance]~~

1. Except as otherwise provided in subsection 2, enrollment and attendance required by the provisions of NRS 392.040 must be excused if a child has obtained permission to take the high school equivalency assessment pursuant to NRS 390.055.

2. After a child has taken the high school equivalency assessment, the child shall enroll in and attend school pursuant to the provisions of NRS 392.040 until the child receives notification that the child has successfully completed the assessment.

Sec. 18. NRS 392.122 is hereby amended to read as follows:

392.122 1. Except as otherwise provided in NRS 389.320, the board of trustees of each school district shall prescribe a minimum number of days that a pupil who is subject to compulsory *enrollment and* attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. The board of trustees of a school district may adopt a policy prescribing ~~[a]~~ *:*

(a) A minimum number of days that a pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade.

(b) The circumstances under which a pupil will be considered chronically absent by the Department.

2. ~~[For the purposes of this section, the days on which a pupil is not in attendance because the pupil is absent for up to 10 days within 1 school year with the approval of the teacher or principal of the school pursuant to NRS 392.130, must be credited towards the required days of attendance if the pupil has completed course work requirements. The teacher or principal of the school may approve the absence of a pupil for deployment activities of the parent or legal guardian of the pupil, as defined in NRS 388F.010. If the board of trustees of a school district has adopted a policy pursuant to subsection 5, the 10-day limitation on absences does not apply to absences that are excused pursuant to that policy.~~

~~3. Except as otherwise provided in subsection 5, before]~~ *Before* a pupil is denied credit or promotion to the next higher grade for failure to comply with the attendance requirements prescribed pursuant to subsection 1, the principal of the school in which the pupil is enrolled or the principal's designee shall provide written notice of the intended denial to the parent or legal guardian of the pupil. The notice must include a statement indicating that the pupil and the pupil's parent or legal guardian may request a review of the absences of the pupil and a statement of the procedure for requesting such a review. Upon the request for a review by the pupil and the pupil's parent or legal guardian, *the parent or legal guardian may present* the principal or the principal's designee ~~[shall review the reason for each absence of the pupil upon which the intended denial of credit or promotion is based. After the review, the principal or the principal's designee shall credit towards the required days of attendance each day of absence for which:~~

~~(a) There is evidence or a written affirmation by the parent or legal guardian of the pupil that the pupil was physically or mentally unable to attend school on the day of the absence; and~~

~~(b) The pupil has completed course work requirements.~~

~~4.~~ *with documentation that the pupil has complied with the attendance requirements prescribed pursuant to subsection 1 by attending school, either in person or through an alternative program of education or a program of distance education approved by the Department. If the documentation is accurate and the principal or principal's designee finds that any absence of the pupil was entered in error, the error must be corrected and the absences of the pupil must be recalculated for the purposes of determining whether the pupil may obtain credit or be promoted to the next higher grade.*

3. A pupil and the pupil's parent or legal guardian may appeal a decision of a principal or the principal's designee pursuant to subsection ~~[3]~~ *2* to the board of trustees of the school district in which the pupil is enrolled.

~~[5. The board of trustees of a school district may adopt a policy to exempt pupils who are physically or mentally unable to attend school from the limitations on absences set forth in subsection 1. If a board of trustees adopts a policy pursuant to this subsection:~~

~~(a) A pupil who receives an exemption pursuant to this subsection is not exempt from the minimum number of days of attendance prescribed pursuant to subsection 1.~~

~~(b) The days on which a pupil is physically or mentally unable to attend school must be credited towards the required days of attendance if the pupil has completed course work requirements.~~

~~(c) The procedure for review of absences set forth in subsection 3 does not apply to days on which the pupil is absent because the pupil is physically or mentally unable to attend school.~~

~~6.~~ *4.* A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the *enrollment,* attendance and truancy of pupils set forth in NRS 392.040 to 392.160, inclusive, and any other rules concerning attendance and truancy adopted by the board of trustees of the school district.

Sec. 19. NRS 392.126 is hereby amended to read as follows:

392.126 1. There is hereby created in each county at least one advisory board to review school attendance. The membership of each such board *must, to the greatest extent possible, reflect the ethnic and geographic diversity of the county and* may consist of:

(a) One probation officer in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(b) One representative of a law enforcement agency in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(c) One representative of the district attorney for the county, appointed by the district attorney;

(d) One parent or legal guardian of a pupil who is enrolled in a public school in the county, or his or her designee or alternate who is also a parent or legal

guardian, appointed by the president of the board of trustees of the school district;

(e) One member of the board of trustees of the school district, appointed by the president of the board of trustees;

(f) One school counselor or school teacher employed by the school district, appointed by an organization or association that represents licensed educational personnel in the school district;

(g) One deputy sheriff in the county, appointed by the sheriff of the county; and

(h) One representative of the agency which provides child welfare services, as defined in NRS 432B.030.

2. The members of each such board shall elect a chair from among their membership.

3. Each member of such a board must be appointed for a term of 2 years. A vacancy in the membership of the board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. Each member of such a board serves without compensation, except that, for each day or portion of a day during which a member of the board attends a meeting of the board or is otherwise engaged in the business of the board, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The board of trustees of the school district shall pay the per diem allowance and travel expenses from the general fund of the school district.

Sec. 20. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of the pupil's teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. ~~[The]~~

2. Upon the request of a parent or legal guardian of a pupil, made during the absence or within the 3 days immediately preceding or the 3 days immediately following the requested absence, a teacher or principal ~~[shall]~~ *may* give his or her written approval for ~~[a]~~ *the* pupil to be absent if an emergency exists ~~[or upon the request of a parent or legal guardian of the pupil.]~~ *, including, without limitation, a medical emergency concerning a member of his or her family, compliance with a court order, a funeral or similar event of grieving, a family emergency, temporary homelessness and a religious observance. A teacher or principal may not approve absences pursuant to this subsection in excess of 10 percent of the number of school days in the school year.*

3. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, the pupil must receive the approval of the teacher or principal.

~~[2.]~~ *4.* An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

~~[3.]~~ *5.* If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

~~[4.]~~ *6.* An absence which has not been approved pursuant to ~~[subsection 1 or 3]~~ *this section* shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written *or electronic* notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written *or electronic* notice must be delivered to the parent, legal guardian or other person who has control of the child. The written *or electronic* notice must inform the parents or legal guardian of such absences in a form specified by the Department.

~~[5.]~~ *7. Except as otherwise provided in subsection 2 of NRS 392.122, all approved and unapproved absences must be counted for the purpose of determining whether a pupil is chronically absent.*

8. The board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils shall:

(a) Communicate through various means, in a format and, to the extent practicable, in a language that parents and legal guardians can understand, the truancy policy and the definition of chronic absenteeism adopted by the Department pursuant to NRS 392.150; and

(b) Provide a parent or legal guardian of a pupil notice when the pupil is approaching the limit of 10 percent in the number of absences that may be approved pursuant to subsection 2.

9. The provisions of this section apply to all pupils who are required to *enroll in and* attend school pursuant to NRS 392.040.

~~[6.]~~ *10.* As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

Sec. 21. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written ~~[:~~ ~~(a) Approval]~~ *approval* of the child's teacher or the principal of the school pursuant to subsection 1 *or 2* of NRS 392.130 ~~[, or~~ ~~(b) Notice of his or her parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130, ➥]~~ may again be declared a habitual truant ~~[.]~~ *, unless the child is physically or mentally unable to attend school as provided in NRS 392.130.*

3. The provisions of this section apply to all pupils who are required to *enroll in and* attend school pursuant to NRS 392.040.

Sec. 22. NRS 392.141 is hereby amended to read as follows:

392.141 The provisions of NRS 392.144 to 392.148, inclusive, apply to all pupils who are required to *enroll in and* attend school pursuant to NRS 392.040.

Sec. 23. NRS 392.144 is hereby amended to read as follows:

392.144 1. If a pupil has ~~[one or more unapproved absences]~~ *been truant* from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.

2. If a pupil is a habitual truant pursuant to NRS 392.140, or if a pupil who is a habitual truant pursuant to NRS 392.140 is again declared truant pursuant to NRS 392.130 in the same school year after being declared a habitual truant, the principal of the school shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency for investigation and issuance of a citation, if warranted, in accordance with NRS 392.149;

(b) If the parent or legal guardian of a pupil has signed a written *or electronic* consent pursuant to subsection 4, submit a written *or electronic* referral of the pupil to the advisory board to review school attendance in the county in accordance with NRS 392.146; or

(c) Refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

3. The board of trustees of each school district shall adopt criteria to determine whether the principal of a school shall:

(a) Report a pupil to an attendance officer, a school police officer or the law enforcement agency pursuant to paragraph (a) of subsection 2;

(b) Refer a pupil to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2; or

(c) Refer a pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

4. If the principal of a school makes an initial determination to submit a written *or electronic* referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian of the pupil and request the parent or legal guardian to sign a written *or electronic* consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to NRS 392.146 and 392.147. The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency pursuant to paragraph (a) of subsection 2; or

(b) Refer the pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

Sec. 24. NRS 392.146 is hereby amended to read as follows:

392.146 A written *or electronic* referral of a pupil to an advisory board to review school attendance must include the dates on which the pupil was truant from school and all action taken by the school to assist the pupil to attend school. The advisory board may request clarification of any information contained in the written *or electronic* referral or any additional information that the advisory board considers necessary. The school shall provide written *or electronic* notice of the referral to the parents or legal guardian of the pupil. The written *or electronic* notice must include, without limitation:

1. The name and address of the pupil referred;
2. A written *or electronic* explanation of the reason for the referral;
3. A summary of the provisions of NRS 392.147; and
4. The address and telephone number of the advisory board to review school attendance.

Sec. 25. NRS 392.147 is hereby amended to read as follows:

392.147 1. If an advisory board to review school attendance receives a written *or electronic* referral of a pupil pursuant to NRS 392.146, the advisory board shall set a date, time and place for a hearing. The pupil and the pupil's parents or legal guardian shall attend the hearing held by the advisory board. The hearing must be closed to the public. The chair of an advisory board to review school attendance may request that subpoenas for a hearing conducted pursuant to this section be issued to:

(a) The parent or legal guardian of a pupil who has been referred to the advisory board or any other person that the advisory board considers necessary to the hearing.

(b) A pupil who has been referred to the advisory board.

2. If a pupil and the pupil's parents or legal guardian do not attend the hearing, the chair of the advisory board shall:

(a) Report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149; or

(b) Refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

3. If an advisory board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services available in the community, the advisory board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such programs and services, the chair of the advisory board shall report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149, or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148. If the pupil agrees to participate in such programs and services, the advisory board, the pupil and the parents or legal guardian of the pupil shall enter into a written *or electronic* agreement that:

(a) Sets forth the findings of the advisory board;

(b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the advisory board; and

(c) Adequately informs the pupil and the pupil's parents or legal guardian that if the pupil or his or her parents or legal guardian do not comply with the terms of the written *or electronic* agreement, the chair of the advisory board is legally obligated to report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149, or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

➥ The parents or legal guardian of the pupil shall, upon the request of the advisory board, provide proof satisfactory to the advisory board that the pupil is participating in the programs and services set forth in the written *or electronic* agreement.

4. The chair of an advisory board to review school attendance shall report a pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148 if:

(a) The pupil and the pupil's parents or legal guardian fail to attend a hearing set by the advisory board pursuant to subsection 1;

(b) The advisory board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;

(c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or

(d) The pupil or the pupil's parents or legal guardian violates the terms of the written *or electronic* agreement entered into pursuant to subsection 3.

5. If the chair of an advisory board makes a report to an attendance officer, a school police officer or the local law enforcement agency pursuant to subsection 4, the chair shall:

(a) Submit to the attendance officer, school police officer or law enforcement agency, as applicable, written *or electronic* documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations to the attendance officer, school police officer or law enforcement agency, as applicable, regarding the appropriate disposition of the case.

6. If the chair of an advisory board refers a pupil for the imposition of administrative sanctions pursuant to subsection 4, the chair shall:

(a) Provide written *or electronic* documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations regarding the appropriate disposition of the case.

7. If the parents or legal guardian of a pupil enter into a written *or electronic* agreement pursuant to this section, the parents or legal guardian may appeal to the board of trustees of the school district a determination made by the advisory board concerning the contents of the written *or electronic* agreement. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

8. The board of trustees of each school district shall adopt policies and rules to protect the confidentiality of the deliberations, findings and determinations made by an advisory board and information concerning a pupil and the family of a pupil. An advisory board shall not disclose information concerning the records of a pupil or services provided to a pupil or the pupil's family unless the disclosure is specifically authorized by statute or by the policies and rules of the board of trustees and is necessary for the advisory board to carry out its duties.

Sec. 26. NRS 392.148 is hereby amended to read as follows:

392.148 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, a school police officer or a person designated pursuant to subsection 6 shall conduct an investigation, set a date for a hearing and provide a written *or electronic* notice of the hearing to the parent or legal guardian of the pupil. If it appears after investigation and a hearing that a pupil is a habitual truant, a school police officer or a person designated pursuant to subsection 6 may issue an order imposing the following administrative sanctions against a pupil:

(a) If it is the first time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 30 days but not more than 6 months. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 30 days:

(1) Immediately following the date of the order if the pupil is eligible to apply for a driver's license; or

(2) After the date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

(b) If it is the second time or any subsequent time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 60 days but not more than 1 year. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 60 days immediately following:

(1) The date of the order if the pupil is eligible to apply for a driver's license; or

(2) The date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

2. If a pupil applies for a driver's license, the Department of Motor Vehicles shall:

(a) Notify the pupil of the provisions of this section that authorize the suspension of the driver's license of the pupil; and

(b) Require the pupil to sign an affidavit acknowledging that the pupil is aware that his or her driver's license may be suspended pursuant to this section.

3. If an order is issued pursuant to this section delaying the ability of the pupil to receive a driver's license, a copy of the order must be forwarded to the Department of Motor Vehicles not later than 5 days after the order is issued.

4. If an order is issued pursuant to this section suspending the driver's license of a pupil:

(a) The pupil shall surrender his or her driver's license to the school police officer or the person designated pursuant to subsection 6.

(b) Not later than 5 days after issuing the order, the school police officer or the designated person shall forward to the Department of Motor Vehicles a copy of the order and the driver's license of the pupil.

(c) The Department of Motor Vehicles:

(1) Shall report the suspension of the driver's license of the pupil to an insurance company or its agent inquiring about the pupil's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(2) Shall not treat the suspension in the manner statutorily required for moving traffic violations.

(3) Shall not require the pupil to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after the suspension of a driver's license.

5. The parent or legal guardian of a pupil may request a hearing before a person designated by the board of trustees of the school district in which the pupil is enrolled to appeal the imposition of any administrative sanctions pursuant to this section. The person designated by the board of trustees shall, not later than 30 days after receipt of the request, hold a hearing to review the reason for the imposition of any administrative sanctions. Not later than 30 days after the hearing, the person designated by the board of trustees shall issue a written decision affirming, denying or modifying the decision to impose administrative sanctions and mail a copy of the decision to the parent or legal guardian of the pupil.

6. If a public school does not have a school police officer assigned to it, the principal of the school may designate a qualified person to carry out the requirements of this section.

Sec. 27. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the attendance officer, school police officer or law enforcement agency to whom

the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. The provisions of this section apply to all pupils who are required to *enroll in and* attend school pursuant to NRS 392.040.

Sec. 28. NRS 392.150 is hereby amended to read as follows:

392.150 1. The board of trustees of a school district may appoint an attendance officer for the school district, who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. If the board of trustees appoints an attendance officer for the school district, the board of trustees may:

(a) Fix the compensation of the attendance officer;

(b) Prescribe the duties of the attendance officer; and

(c) Adopt regulations not inconsistent with law for the performance of the duties of the attendance officer.

2. The board of trustees of each school district shall:

(a) Establish procedures to monitor the attendance *, chronic absenteeism* and truancy of pupils, including, without limitation, a standard method for reporting the *chronic absenteeism and* truancy of pupils and a standard method for reporting excessive absences of pupils throughout the school district;

(b) Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and

(c) Determine, based on the attendance *, chronic absenteeism* and truancy of pupils at each school within the school district, whether to employ an attendance clerk for a particular school or group of schools whose primary responsibility is to monitor the attendance and truancy of pupils.

3. The Department shall adopt by regulation a definition of the term "chronic absenteeism." The board of trustees of each school district shall ensure that the actions taken pursuant to subsection 2 are consistent with such a definition.

Sec. 29. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is under 18 years of age and required to *enroll in and* attend school pursuant to

NRS 392.040 for violation of any of the provisions of NRS 392.040 to ~~[392.110,]~~ *392.075,* inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written *or electronic* report of the investigation and the findings thereof in the records of the board.

Sec. 30. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is under 18 years of age and required to *enroll in and* attend school pursuant to NRS 392.040 has violated any of the provisions of NRS 392.040 to ~~[392.110,]~~ *392.075,* inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 31. NRS 392.200 is hereby amended to read as follows:

392.200 Any taxpayer, school administrator, school officer or deputy school officer in the State of Nevada may make and file in the proper court a criminal complaint against a parent, guardian or other person who has control or charge of any child who is under 18 years of age and required to *enroll in and* attend school pursuant to NRS 392.040 and who violates any of the provisions of law requiring the *enrollment and* attendance of children in the public schools of this State.

Sec. 32. NRS 392.210 is hereby amended to read as follows:

392.210 1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130 , ~~[and 392.140,]~~ and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to NRS 424.030 to conduct a foster home is liable pursuant to subsection 1 for a child in his or her foster care only if the person has received notice of the truancy of the child as provided in NRS 392.130 , ~~[and 392.140,]~~ and negligently fails to prevent the subsequent truancy of the child within that school year.

Sec. 33. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to ~~[392.110,]~~ *392.075,* inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;

2. Presents a false birth certificate or record of attendance at school; or

3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

➥ of a child under 18 years of age who is under his or her control or charge, is guilty of a misdemeanor.

Sec. 34. NRS 392.264 is hereby amended to read as follows:

392.264 1. If a superintendent of a school district receives notification and a victim identified in the notification is a pupil in the school district, the superintendent shall not permit an offender who is subject to the provisions of NRS 62F.100 to 62F.150, inclusive, to *enroll in or* attend a public school that a victim is *enrolled in or* attending unless:

(a) An alternative plan of supervision is approved by the court pursuant to NRS 62F.130; or

(b) An alternative plan of attendance is approved by the court pursuant to NRS 62F.140.

2. If the court does not approve an alternative plan of supervision or an alternative plan of attendance for the offender and the school district in which the offender resides does not have another public school in the district for the offender to *enroll in and* attend, the superintendent of the school district shall negotiate an agreement with:

(a) The superintendent of an adjoining school district within this state for the offender to *enroll in and* attend a public school in that adjoining school district; or

(b) The superintendent, or another appropriate administrator, of an adjoining school district in an adjoining state for the offender to *enroll in and* attend a public school in that adjoining school district.

3. The superintendent of the school district in which the offender resides shall inform the person with whom the superintendent is negotiating that the offender has been adjudicated delinquent for a sexual offense or a sexually motivated act, but the superintendent shall not disclose the name of a victim.

4. An agreement which is made pursuant to this section and which is presented to a board of trustees for approval:

(a) Must not contain the name of a victim;

(b) Must comply with the provisions of subsections 2 and 3 of NRS 392.010; and

(c) Must be approved by the Superintendent of Public Instruction.

5. A board of trustees may terminate an agreement entered into pursuant to this section if, because of a change in circumstances, the offender is able to *enroll in and* attend a public school in the school district in which the offender resides without violating subsection 1.

Sec. 35. NRS 392.268 is hereby amended to read as follows:

392.268 If a school district incurs additional costs for transporting an offender because the offender is prohibited from *enrolling in or* attending a public school that a victim is *enrolled in or* attending, the school district is entitled to reimbursement of all or part of those costs from the parents or guardians of the offender to the extent ordered by the court pursuant to NRS 62F.110. The superintendent of the school district or the parents or guardians of the offender may petition the court to reconsider the amount of reimbursement ordered by the court.

Sec. 36. NRS 394.098 is hereby amended to read as follows:

394.098 "Postsecondary education" is limited to education or educational services offered by an institution which is privately owned to persons who have completed or terminated their elementary and secondary education or who are beyond the age of compulsory school *enrollment and* attendance for the attainment of academic, professional or vocational objectives.

Sec. 37. NRS 394.103 is hereby amended to read as follows:

394.103 "Private schools" means private elementary and secondary educational institutions. The term does not include a home in which instruction is provided to a child who is excused from compulsory *enrollment and* attendance pursuant to NRS 392.070.

Sec. 38. NRS 62A.240 is hereby amended to read as follows:

62A.240 "Private school" includes private elementary and secondary educational institutions. The term does not include a home in which instruction is provided to a child who is excused from compulsory *enrollment and* attendance pursuant to NRS 392.070 or a school or educational program that is conducted exclusively for children who have been adjudicated delinquent.

Sec. 39. NRS 62B.320 is hereby amended to read as follows:

62B.320 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child:

(a) Is subject to compulsory school *enrollment and* attendance and is a habitual truant from school;

(b) Habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable;

(c) Deserts, abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation;

(d) Uses an electronic communication device to transmit or distribute a sexual image of himself or herself to another person or to possess a sexual image in violation of NRS 200.737;

(e) Transmits or distributes an image of bullying committed against a minor in violation of NRS 200.900;

(f) Violates a county or municipal ordinance imposing a curfew on a child;

(g) Violates a county or municipal ordinance restricting loitering by a child;

(h) Commits an offense related to tobacco; or

(i) Commits an alcohol or marijuana offense that is punishable pursuant to paragraph (a) of subsection 1 of NRS 62E.173.

2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.

3. The provisions of subsection 1 do not prohibit the imposition of administrative sanctions pursuant to NRS 392.148 against a child who is subject to compulsory school *enrollment and* attendance and is a habitual truant from school.

4. As used in this section:

(a) "Alcohol or marijuana offense" has the meaning ascribed to it in NRS 62E.173.

(b) "Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

(3) Places the person in reasonable fear of harm or serious emotional distress; or

(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

(c) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(d) "Sexual image" has the meaning ascribed to it in NRS 200.737.

Sec. 40. NRS 129.090 is hereby amended to read as follows:

129.090 1. A petition filed pursuant to NRS 129.080 must be in writing, verified by the petitioner and set forth:

(a) The name, age and address of the minor;

(b) The names and addresses of the parents of the minor;

(c) The name and address of any legal guardian of the minor;

(d) If no parent or guardian can be found, the name and address of the child's nearest known relative residing within this state;

(e) Facts relating to the minor's education, employment, and length of residence apart from his or her parents or guardian;

(f) That the minor willingly lives apart from his or her parents or legal guardian with the consent or acquiescence of his or her parents or legal guardian;

(g) That the minor is managing his or her own financial affairs;

(h) That the source of the minor's income is not derived from any activity declared to be a crime by the laws of this state or the United States; and

(i) That the minor is attending school or has been excused from *enrolling in and* attending school pursuant to NRS 392.040 to 392.125, inclusive.

2. If any of the facts required by subsection 1 are not known, the petition must so state.

3. For filing the petition, the clerk of the district court shall charge the fees prescribed by law for the commencement of civil actions or proceedings generally.

Sec. 41. NRS 361.068 is hereby amended to read as follows:

361.068 1. The following personal property is exempt from taxation:

(a) Personal property held for sale by a merchant;

(b) Personal property held for sale by a manufacturer;

(c) Raw materials and components held by a manufacturer for manufacture into products, and supplies to be consumed in the process of manufacture;

(d) Tangible personal property purchased by a business which will be consumed during the operation of the business;

(e) Livestock;

(f) Colonies of bees;

(g) Pipe and other agricultural equipment used to convey water for the irrigation of legal crops;

(h) All boats;

(i) Slide-in campers and camper shells;

(j) Except as otherwise provided in NRS 361.186, fine art for public display; and

(k) All personal property that is:

(1) Owned by a person who is not a resident of this state; and

(2) Located in this state solely for the purposes of:

(I) An exhibit that is used in a convention or tradeshow that is located in this State; or

(II) A display, exhibition, carnival, fair or circus that is transient in nature and is located in this State for not more than 30 days.

2. The Nevada Tax Commission may exempt from taxation that personal property for which the annual taxes would be less than the cost of collecting those taxes. If such an exemption is provided, the Nevada Tax Commission shall annually determine the average cost of collecting property taxes in this state which must be used in determining the applicability of the exemption.

3. A person claiming the exemption provided for in paragraph (j) of subsection 1 shall:

(a) On or before June 15 for the next ensuing fiscal year, file with the county assessor an affidavit declaring that the fine art will, during that ensuing fiscal year, meet all the criteria set forth in paragraph (b) of subsection 4; and

(b) During any fiscal year in which the person claims the exemption, make available for educational purposes and not for resale, upon written request and without charge to any public school as defined in NRS 385.007, private school as defined in NRS 394.103 and parent of a child who receives instruction in a home pursuant to NRS 392.070, one copy of a poster depicting the fine art that the facility has on public display if such a poster is available for purchase by the public at the time of the request.

4. As used in this section:

(a) "Boat" includes any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) "Fine art for public display":

(1) Except as otherwise provided in subparagraph (2), means a work of art which:

(I) Is an original painting in oil, mineral, water colors, vitreous enamel, pastel or other medium, an original mosaic, drawing or sketch, an original

sculpture of clay, textiles, fiber, wood, metal, plastic, glass or a similar material, an original work of mixed media or a lithograph;

(II) Was purchased in an arm's length transaction for $25,000 or more, or has an appraised value of $25,000 or more;

(III) Is on public display in a public or private art gallery, museum or other building or area in this state for at least 20 hours per week during at least 35 weeks of each year for which the exemption is claimed or, if the facility displaying the fine art disposes of it before the end of that year, during at least two-thirds of the full weeks during which the facility had possession of it, or if the gallery, museum or other building or area in which the fine art will be displayed will not be opened until after the beginning of the fiscal year for which the exemption is claimed, these display requirements must be met for the first full fiscal year after the date of opening, and the date of opening must not be later than 2 years after the purchase of the fine art being displayed; and

(IV) Is on display in a facility that is available for group tours by pupils or students for at least 5 hours on at least 60 days of each full year for which the exemption is claimed, during which the facility in which it is displayed is open, by prior appointment and at reasonable times, without charge; and

(2) Does not include:

(I) A work of fine art that is a fixture or an improvement to real property;

(II) A work of fine art that constitutes a copy of an original work of fine art, unless the work is a lithograph that is a limited edition and that is signed and numbered by the artist;

(III) Products of filmmaking or photography, including, without limitation, motion pictures;

(IV) Literary works;

(V) Property used in the performing arts, including, without limitation, scenery or props for a stage; or

(VI) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.

(c) "Personal property held for sale by a merchant" includes property that:

(1) Meets the requirements of sub-subparagraphs (I) and (II) of subparagraph (1) of paragraph (b);

(2) Is made available for sale within 2 years after it is acquired; and

(3) Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired, whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.

(d) "Public display" means the display of a work of fine art where members of the public have access to the work of fine art for viewing during publicly advertised hours. The term does not include the display of a work of fine art in an area where the public does not generally have access, including, without

limitation, a private office, hallway or meeting room of a business, a room of a business used for private lodging and a private residence.

(e) "Pupil" means a person who:

(1) Is enrolled for the current academic year in a public school as defined in NRS 385.007 or a private school as defined in NRS 394.103; or

(2) Receives instruction in a home and is excused from compulsory *enrollment and* attendance pursuant to NRS 392.070.

(f) "Student" means a person who is enrolled for the current academic year in:

(1) A community college or university; or

(2) A licensed postsecondary educational institution as defined in NRS 394.099 and a course concerning fine art.

Sec. 42. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. Except as otherwise provided in subsection 4, the Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) Except as otherwise provided in subsection 3, has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Except as otherwise provided in subsection 3, submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

➥ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) Submits to the Department:

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory *enrollment and* attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development or an equivalent document;

(e) Has not been found to be responsible for a motor vehicle crash during the 6 months before applying for the driver's license;

(f) Has not been convicted of or found by a court to have committed a moving traffic violation or convicted of a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(g) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

3. In lieu of the supervised experience required pursuant to paragraph (b) of subsection 1, a person applying for a Class C noncommercial driver's license may provide to the Department proof that the person has successfully completed:

(a) The training required pursuant to paragraph (a) of subsection 1; and

(b) A hands-on course in defensive driving that has been approved by the Department pursuant to NRS 483.727.

4. A person who is 16 or 17 years of age, who has held an instruction permit issued pursuant to subsection 4 of NRS 483.280 authorizing the holder of the permit to operate a motorcycle and who applies for a driver's license pursuant to this section that authorizes him or her to operate a motorcycle must comply with the provisions of paragraphs (d) to (g), inclusive, of subsection 1 and must:

(a) Except as otherwise provided in subsection 5, complete a course of motorcycle safety approved by the Department;

(b) Have at least 50 hours of experience in driving a motorcycle with an instruction permit issued pursuant to subsection 4 of NRS 483.280; and

(c) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of experience required pursuant to paragraph (b) and which is signed by his or her parent or legal guardian who attests that the person applying for the motorcycle driver's license has completed the training and experience required pursuant to paragraphs (a) and (b).

5. If a course described in paragraph (a) of subsection 4 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing the course, complete an additional 50 hours of experience in driving a motorcycle in accordance with paragraph (b) of subsection 4.

Sec. 43. NRS 483.267 is hereby amended to read as follows:

483.267 1. The Department may issue a restricted license to any applicant between the ages of 14 and 18 years which entitles the applicant to drive a motor vehicle upon a highway if a member of his or her household has a medical condition which renders that member unable to operate a motor vehicle, and a hardship exists which requires the applicant to drive.

2. An application for a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Contain a statement that a person living in the same household with the applicant suffers from a medical condition which renders that person unable to operate a motor vehicle and explaining the need for the applicant to drive.

(c) Be signed and verified as provided in NRS 483.300.

(d) Include:

(1) A written statement signed by the principal of the public school in which the applicant is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the applicant which states that the applicant is excused from compulsory school *enrollment and* attendance pursuant to NRS 392.070;

(3) A copy of the applicant's high school diploma or certificate of attendance; or

(4) A copy of the applicant's certificate of general educational development or an equivalent document.

(e) Contain such other information as may be required by the Department.

3. A restricted license issued pursuant to this section:

(a) Is effective for the period specified by the Department;

(b) Authorizes the licensee to operate a motor vehicle on a street or highway only under conditions specified by the Department; and

(c) May contain other restrictions which the Department deems necessary.

4. No license may be issued under this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

Sec. 44. NRS 483.270 is hereby amended to read as follows:

483.270 1. The Department may issue a restricted license to any pupil between the ages of 14 and 18 years who is attending:

(a) A public school in a school district in this State in a county whose population is less than 55,000 or in a city or town whose population is less than 25,000 when transportation to and from school is not provided by the board of trustees of the school district, if the pupil meets the requirements for eligibility adopted by the Department pursuant to subsection 5; or

(b) A private school meeting the requirements for approval under NRS 392.070 when transportation to and from school is not provided by the private school,

➥ and it is impossible or impracticable to furnish such pupil with private transportation to and from school.

2. An application for the issuance of a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Be signed and verified as provided in NRS 483.300.

(c) Include a written statement signed by the:

(1) Principal of the public school in which the pupil is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123; or

(2) Parent or legal guardian of the pupil which states that the pupil is excused from compulsory school *enrollment and* attendance pursuant to NRS 392.070.

(d) Contain such other information as may be required by the Department.

3. Any restricted license issued pursuant to this section:

(a) Is effective only for the school year during which it is issued or for a more restricted period.

(b) Authorizes the licensee to drive a motor vehicle on a street or highway only while going to and from school, and at a speed not in excess of 55 miles per hour.

(c) May contain such other restrictions as the Department may deem necessary and proper.

(d) May authorize the licensee to transport as passengers in a motor vehicle driven by the licensee, only while the licensee is going to and from school, members of his or her immediate family, or other minor persons upon written consent of the parents or guardians of such minors, but in no event may the number of passengers so transported at any time exceed the number of passengers for which the vehicle was designed.

4. No restricted license may be issued under the provisions of this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

5. The Department shall adopt regulations that set forth the requirements for eligibility of a pupil to receive a restricted license pursuant to paragraph (a) of subsection 1.

Sec. 45. NRS 644A.700 is hereby amended to read as follows:

644A.700 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and the applicant must certify that all the information contained in the application is truthful and accurate. The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of a number of students acceptable to the Board;

(e) The applicable fee for a license;

(f) A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains adequate floor space and adequate equipment.

(c) Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.

(d) Admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school *enrollment and* attendance.

(e) Meets all requirements established by regulations of the Board.

3. The fee for issuance of a license for a school of cosmetology is:

(a) For 2 years, not less than $500 and not more than $800.

(b) For 4 years, not less than $1,000 and not more than $1,600.

4. If the proposed school meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed school. The license must contain:

(a) The name of the proposed school;

(b) A statement that the proposed school is authorized to operate educational programs beyond secondary education; and

(c) Such other information as the Board considers necessary.

5. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

6. The Board shall, by regulation, prescribe:

(a) The minimum enrollment of students required by paragraph (d) of subsection 1; and

(b) The amount of floor space required by paragraph (b) of subsection 2.

7. After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 46. NRS 392.080 and 392.110 are hereby repealed.

Sec. 47. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTIONS

392.080 Attendance excused for distant residence from nearest school. Attendance required by the provisions of NRS 392.040 shall be excused when the Superintendent of Public Instruction has determined that the child's residence is located at such distance from the nearest public school as to render attendance unsafe or impractical, and the child's parent or guardian has notified the board of trustees to that effect in writing.

392.110 Attendance excused for child between 15 and 18 years of age who has completed eighth grade to enter employment or apprenticeship; written permit required.

1. Any child between the ages of 15 and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority must state the reason or reasons for such excuse.

2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit must be kept on file by the employer and, upon the termination of employment, must be returned by the employer to the board of trustees or other authority issuing it.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 584 to Assembly Bill No. 54 ensures that any time during the school day that a pupil receives external education therapies that those therapies must be aligned with the pupil's Individualized Education Plan or Section 504 plan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 127.

Bill read second time.

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

Amendment No. 556.

SUMMARY—Revises provisions governing Medicare supplemental policies. (BDR 57-467)

AN ACT relating to insurance; prohibiting an insurer from treating Medicare supplemental policies differently for certain purposes relating to the payment of commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. (42 U.S.C. §§ 1395

et seq.) Existing federal regulations define the term "Medicare supplemental policy" to mean a policy offered by a private insurer that is primarily designed to pay expenses not reimbursed under Medicare because of certain limitations under Medicare. (42 C.F.R. § 403.205) Existing law requires an insurer offering a Medicare supplemental policy or the Public Employees' Benefits Program or any local government that provides a similar policy for public employees to offer an open enrollment period for persons covered by such policies, during which the insurer or governmental entity is prohibited from placing certain restrictions on the issuance of such a policy. (NRS 287.010, 287.04335, 687B.352, 695B.320) Existing federal law requires the issuance of a Medicare supplemental policy under certain circumstances, under which such a policy is considered to be guaranteed issue. (42 U.S.C. § 1395ss) This bill prohibits an insurer or other person or entity from varying the commission associated with the purchase of Medicare supplemental policies during the open enrollment period, paying differential commissions associated with the purchase of Medicare supplemental policies during the open enrollment period or otherwise treating Medicare supplemental policies purchased during the open enrollment period differently for the purposes of commission for any reason, including: (1) because the Medicare supplemental policy is issued during the open enrollment period or classified as guaranteed issue; or (2) because of the ~~[age,]~~ health status, claims experience, receipt of health care or medical condition of the insured. This bill additionally requires an insurer or other person or entity to treat the purchase of a Medicare supplemental policy during the open enrollment period in the same manner as the renewal of a Medicare supplemental policy for purposes relating to the payment of a commission.

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

Section 1. NRS 687B.352 is hereby amended to read as follows:

687B.352 1. An insurer that issues a Medicare supplemental policy shall offer to a person currently insured under any such policy an annual open enrollment period commencing with the first day of the birthday month of the person and remaining open for at least 60 days thereafter, during which the person may purchase any Medicare supplemental policy made available by the insurer in this State that includes the same or lesser benefits. Innovative benefits, as described in 42 U.S.C. § 1395ss(p)(4)(B), must not be considered when determining whether a Medicare supplemental policy includes the same benefits as or lesser benefits than another such policy.

2. During the open enrollment period offered pursuant to subsection 1, an insurer shall not deny or condition the issuance or effectiveness, or discriminate in the price of coverage, of a Medicare supplemental policy based on the health status, claims experience, receipt of health care or medical condition of a person described in subsection 1.

3. At least 30 days before the beginning of the open enrollment period offered pursuant to subsection 1 but not more than 60 days before the

beginning of that period, an insurer that issues a Medicare supplemental policy shall notify each person to whom the open enrollment period applies of:

(a) The dates on which the open enrollment period begins and ends and the rights of the person established by the provisions of this section; and

(b) Any modification to the benefits provided by the policy under which the person is currently insured or adjustment to the premiums charged for that policy.

4. *An insurer or other person or entity shall not vary the commission associated with the purchase of Medicare supplemental policies during the open enrollment period offered pursuant to subsection 1, pay differential commissions associated with the purchase of Medicare supplemental policies during that open enrollment period or otherwise treat Medicare supplemental policies purchased during that open enrollment period differently for the purposes of commission for any reason, including, without limitation:*

(a) Because the Medicare supplemental policy was purchased during the open enrollment period offered pursuant to subsection 1;

(b) Because the Medicare supplemental policy is classified as guaranteed issue under 42 U.S.C. § 1395ss or any other applicable federal or state law or regulations; or

(c) Because of the ~~[age,]~~ health status, claims experience, receipt of health care or medical condition of the insured.

5. An insurer or other person or entity must treat the purchase of a Medicare supplemental policy during the open enrollment period offered pursuant to subsection 1 in the same manner as the renewal of a Medicare supplemental policy for all purposes relating to the payment of a commission.

6. As used in this section, "Medicare supplemental policy" has the meaning ascribed to it in 42 C.F.R. § 403.205 and additionally includes policies offered by public entities that otherwise meet the requirements of that section.

Sec. 2. This act becomes effective on July 1, 2023.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 556 to Assembly Bill No. 127 removes "age" from the category of reasons for which an insurer is prohibited from treating Medicare supplemental policies differently for the payment of commissions.

Amendment adopted.

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

Assembly Bill No. 144.

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 Education:

Amendment No. 585.

SUMMARY—Revises provisions governing boards of trustees of school districts. (BDR 34-692)

AN ACT relating to education; revising provisions governing the election and appointment of members of the board of trustees of certain school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the members of the board of trustees of a county school district in which more than 75,000 pupils are enrolled (currently Clark County School District) are elected from seven election districts, established by the board of trustees, that are as nearly equal in population as possible and are composed of contiguous territory. (NRS 386.165) Section 1.5 of this bill adds four nonvoting members to the board of trustees of such a county school district, of whom: (1) one nonvoting member must be appointed by the board of county commissioners of the county in which the school district is located who must also reside in the school district; and (2) three nonvoting members must be appointed by the governing bodies of the three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member who must reside in the city of the governing body that appoints him or her.

Section 1.5 also provides that the nonvoting members of the board of trustees : (1) have ~~[: (1)]~~ , with certain exceptions, the same rights and responsibilities as the voting members; and (2) do not have voting rights for the election of officers ~~[; and (3)]~~ or the authority to serve as an officer of the board of trustees. Section 1.5 further provides that each trustee holds office until his or her successor is appointed or elected and qualified. Section 7.5 of this bill makes a conforming change to require officers of the board of trustees to be elected, voting members of the board of trustees.

Section 1 of this bill makes a conforming change to provide that a board of trustees of a county school district in which more than 75,000 pupils are enrolled consists of 11 members.

Sections 2-4 of this bill make conforming changes that clarify that certain requirements for a candidate for the board of trustees of a school district only apply to candidates who are elected and not appointed.

Section 5 of this bill makes a conforming change that requires vacancies among the elected members of a board of trustees of a school district to be filled by appointment by the remaining elected members at a public meeting of the board of trustees. Section 5 additionally requires that vacancies that occur among the appointed members of a board of trustees of a school district must be filled by the appointing authority. Section 6 of this bill makes a conforming change by allowing for the governing body, and not exclusively the board of trustees, to appoint a member to a temporary vacancy in the event a vacancy occurs due to a member entering active military service.

Section 7 of this bill makes a conforming change by deleting certain provisions governing the term of office of a member of a board of trustees of a school district which have been moved to section 1.5.

Under existing law, a majority of the members of the board of trustees constitutes a quorum and no action of the board of trustees is valid unless the action receives the approval of a majority of all the members of the board of trustees at a regularly called meeting. (NRS 386.330) Section 8.5 of this bill provides that a majority of the elected members of the board of trustees constitutes a quorum and that no action of the board of trustees is valid unless the action receives the approval of a majority of all the elected members of the board of trustees at a regularly called meeting.

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

Section 1. NRS 386.120 is hereby amended to read as follows:

386.120 1. The board of trustees of a county school district consists of ~~[five]~~ *5, 7* or ~~[seven]~~ *11* members as follows:

(a) *If more than 75,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of 11 members. The members of the board must be elected and appointed as provided in NRS 386.165.*

(b) If 1,000 or more *but not more than 75,000* pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members. Except in school districts in which more than 25,000 pupils are enrolled, the members of the board must be elected at large until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

~~[(b)]~~ *(c)* If fewer than 1,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of five members. The members of the board must be elected as provided in NRS 386.160 until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

~~[(c)]~~ *(d)* If 1,000 or more, but fewer than 1,500 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members unless the board, on or before December 1 in any year before a general election will be held, adopts a resolution specifying that the board will consist of five members. If the board consists of seven members, the election of members is governed by paragraph ~~[(a).]~~ *(b).* If the board consists of five members, the election of members is governed by paragraph ~~[(b).]~~ *(c).*

2. Before the adoption of a resolution pursuant to paragraph ~~[(c)]~~ *(d)* of subsection 1, the board of trustees shall post conspicuously, in three different places in the school district, a notice containing in full the text of the resolution with the date upon which the board of trustees of the school district is to meet to act upon the resolution. Posting of the notice must be made not less than 10 days before the date fixed in the resolution for action thereon.

3. If a board of trustees adopts a resolution pursuant to paragraph ~~[(c)]~~ *(d)* of subsection 1, it must transmit a copy of the resolution to the Superintendent

of Public Instruction on or before December 15 of the year before the general election will be held.

Sec. 1.5. NRS 386.165 is hereby amended to read as follows:

386.165 1. In each county school district in which more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees. The districts must be:

(a) As nearly equal in population as practicable; and

(b) Composed of contiguous territory.

2. The board of trustees in each county school district in which more than 75,000 pupils are enrolled is composed of 11 members, of whom:

(a) Seven voting members must be elected in election districts established pursuant to subsection 1 by the board of trustees.

(b) One nonvoting member must be appointed by the board of county commissioners of the county in which the school district is located. The member appointed pursuant to this paragraph must reside in the county in which the school district is located.

(c) Three nonvoting members must be appointed by the governing bodies of the three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member. Each member appointed pursuant to this paragraph must reside in the city in which the governing body is required to make the appointment.

~~[2.]~~ *3.* In each county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees, as follows:

(a) Five districts which are as nearly equal in population as practicable, each of which includes approximately one-fifth of the population of the county; and

(b) Two districts which are as nearly equal in population as practicable, each of which includes approximately one-half of the population of the county.

➥ The districts must be composed of contiguous territory.

~~[3. Each trustee of a school district to which this section applies must reside in the election district which the trustee represents and be elected by the voters of that election district.]~~

4. In each school district in which more than 25,000 pupils *but not more than 75,000 pupils* are enrolled, the *board of trustees is composed of seven members who must be elected in an election district established pursuant to subsection 3 by the board of trustees.*

5. The appointing authority shall make an appointment pursuant to subsection 2 at least 30 days but not more than 90 days before the expiration of the term of office of the incumbent member.

6. The term of *office of* a school trustee is 4 years ~~[. Three trustees must be elected at the general election of 1982 and four trustees must be elected at the general election of 1984.]~~ *, commencing on the first Monday of January thereafter next following the election of the trustee.*

7. Each trustee shall hold office until his or her successor is appointed or elected and qualified.

8. The nonvoting members of the board of trustees appointed pursuant to subsection 2 :

(a) Except as otherwise provided in paragraph (b), shall have ~~[:~~

~~(a) The]~~ the same rights and responsibilities as voting members of the board of trustees, including, without limitation, being involved in any briefings, interviews, evaluations, closed-door sessions and policy and operational discussions;

(b) ~~[Voting]~~ Do not have voting rights for the election of officers ~~[; and~~

~~(c) The]~~ or the authority to serve as an officer of the board of trustees.

Sec. 2. NRS 386.240 is hereby amended to read as follows:

386.240 A candidate for *election to* the office of trustee of a school district shall:

1. Be a qualified elector.

2. Have the qualifications of residence within the county school district required for the office for which he or she seeks election.

Sec. 3. NRS 386.250 is hereby amended to read as follows:

386.250 A candidate for *election to* the office of trustee of a county school district must:

1. Be nominated in the manner provided by the primary election laws of this State; and

2. File a declaration of candidacy, as defined in NRS 293.0455, with the county clerk of the county whose boundaries are conterminous with the boundaries of the county school district.

Sec. 4. NRS 386.260 is hereby amended to read as follows:

386.260 1. Trustees ~~[shall]~~ *who are required to be elected pursuant to NRS 386.165 must* be elected as provided in the election laws of this state.

2. After the close of any election, and in accordance with law, the board of county commissioners shall make abstracts of the votes cast for trustees and shall order the county clerk to issue election certificates to the candidates elected.

3. Immediately, the county clerk shall transmit a copy of each election certificate to the Superintendent of Public Instruction.

Sec. 5. NRS 386.270 is hereby amended to read as follows:

386.270 Except as otherwise provided in NRS 386.275:

1. Any vacancy occurring ~~[in]~~ *among the elected members of* a board of trustees must be filled by appointment by the remaining *elected* members of the board at a public meeting held after notice of the meeting is published at least once each week for 2 weeks in a newspaper qualified pursuant to the provisions of chapter 238 of NRS. The appointee shall serve until the next general election, at which time his or her successor must be elected for the balance of the unexpired term.

2. *Any vacancy occurring among the appointed members of a board of trustees must be filled by the appointing authority. The appointee serves for the balance of the unexpired term and may be reappointed.*

3. Any person appointed to fill a vacancy must have the qualifications provided in NRS *386.165 or* 386.240 ~~[.]~~ *, as applicable.*

Sec. 6. NRS 386.275 is hereby amended to read as follows:

386.275 1. If a vacancy occurs, or will occur, in a board of trustees because a member of the board has entered, or is entering, into active military service, ~~[the board of trustees may appoint]~~ a person *may be appointed* to serve as a temporary replacement for that member. Such a temporary appointment must be made in the manner, and subject to the requirements, otherwise prescribed in NRS 386.270, except that the member of the board of trustees who has entered, or is entering, into active military service may participate in the process to appoint his or her temporary replacement.

2. If a person is temporarily appointed to serve on a board of trustees pursuant to this section:

(a) The person fully assumes the duties, rights and responsibilities of a member of the board of trustees, and is entitled to the compensation, allowances and expenses otherwise payable to a member, for the duration of his or her appointment.

(b) The member of a board of trustees who is temporarily replaced shall be deemed to be on leave without pay from the board of trustees for the duration of the appointment of his or her temporary replacement.

3. A person appointed to serve on the board of trustees pursuant to this section serves:

(a) Until the member of the board of trustees being temporarily replaced returns from active military service; or

(b) For the remainder of the unexpired term of that member,

➥ whichever occurs first.

Sec. 7. NRS 386.300 is hereby amended to read as follows:

386.300 Each trustee shall:

1. ~~[Enter upon the duties of office on the 1st Monday in January next following the election of the trustee.~~

~~2. Hold office until his or her successor is elected and qualified.~~

~~3.]~~ Take and subscribe to the official oath.

~~[4.]~~ *2.* File with the Superintendent of Public Instruction a copy of his or her official oath together with a statement showing the term for which the trustee has been elected or appointed.

Sec. 7.5. NRS 386.310 is hereby amended to read as follows:

386.310 1. The board of trustees shall meet and organize by:

(a) Electing one of its ***elected*** members as president.

(b) Electing one of its ***elected*** members as clerk, or by selecting some other qualified person as clerk.

(c) Electing additional officers ***from its elected members*** as may be deemed necessary.

(d) Fixing the term of office for each of its officers.

2. A record of the organization of the board of trustees must be entered in the minutes, together with the amount of salary to be paid to the clerk.

3. Immediately after the organization of the board of trustees, the clerk shall file the names of the president, the clerk and the members of the board of trustees with the Department and the county auditor of the county whose boundaries are conterminous with the boundaries of the county school district.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. NRS 386.330 is hereby amended to read as follows:

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the *elected* members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the *elected* members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

Sec. 9. This act becomes effective on July 1, 2023.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 585 to Assembly Bill No. 175 requires that action by the board of trustees requires approval of the majority of the elected members and further clarifies quorum requirements. It removes the voting rights of the nonvoting members of the board for the election of officers and the authority to serve as an officer of the board. It requires that the filling of a vacancy among the elected members of the board be filled by appointment by the remaining elected members.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 615.

SUMMARY—Revises provisions governing electronic communication devices in certain health care facilities. (BDR 40-46)

AN ACT relating to medical facilities; authorizing a patient in a facility for skilled nursing or his or her representative to request the installation and use of an electronic communication device in the living quarters of the patient; prescribing requirements for the selection and operation of such a device; prohibiting a person from taking certain actions concerning such a device or the images and sounds broadcast by such a device; prohibiting a facility for skilled nursing or an employee of such a facility from taking certain additional actions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain duties of a medical facility, including a facility for skilled nursing, and specific rights of a patient in such a facility. (NRS 449A.100-449A.124) Sections 3-7 of this bill define certain terms. Section 9 of this bill authorizes a patient in a facility for skilled nursing or the representative of such a patient to request the installation and use of an electronic communication device in the living quarters of the patient under certain circumstances. Among other requirements, section 9 requires the patient or representative of the patient to: (1) agree to waive the right to privacy of the patient; and (2) obtain the consent of the roommate of the patient or his or her representative, if applicable. Section 8 of this bill prescribes the requirements to act as the representative of a patient or roommate for those purposes. Section 9 requires a facility for skilled nursing to make reasonable efforts to accommodate a patient whose roommate fails to provide such consent. Section 9 also authorizes a patient, representative or roommate to revoke a request for, or consent to, the installation and use of an electronic communication device.

Section 9 requires a facility for skilled nursing to approve a request for the installation and use of an electronic communication device if the applicable requirements are met. If such approval is granted, section 10 of this bill provides that the patient or his or her representative is responsible for: (1) choosing the electronic communication device, subject to certain limitations; and (2) the cost of installing, maintaining and removing the electronic communication device ~~[.]~~ and any repairs required due to the installation or removal of the electronic communication device.

Section 11 of this bill generally prohibits a person other than the patient or the representative for the patient who has requested the installation and use of an electronic communication device from intentionally: (1) obstructing, tampering with or destroying any such device or recording made by such a device; and (2) viewing or listening to any images or sounds which are displayed, broadcast or recorded by any such device except as otherwise authorized. Section 11 authorizes an attorney for a patient or certain government officials to view or listen to any images or sounds which are displayed, broadcast or recorded by an electronic communication device or to temporarily disable or turn off such a device. Sections 9 and 11 authorize a patient or the representative of a patient , with the consent of the roommate of the patient or his or her representative, if any, to authorize additional persons to view or listen to images or sounds which are displayed, broadcast or recorded by an electronic communication device. Section 11 prohibits a facility for skilled nursing from denying admission to or discharging a patient from the facility or otherwise discriminating or retaliating against a patient because of a decision to request the installation and use of an electronic communication device. Section 12 of this bill subjects a person or entity who violates the provisions of section 11 to certain civil and criminal penalties, and section 1 of this bill subjects a facility for skilled nursing that violates the provisions of sections 3-14 of this bill to disciplinary action. Section 13 of this bill: (1) ~~[authorizes]~~ requires a facility for skilled nursing to post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters; and (2) prohibits an employee at a facility for skilled nursing from refusing to enter the living quarters of a patient or fail to perform any of the duties of the employee on the grounds that an electronic communication device is in use in the living quarters. Section 14 of this bill: (1) authorizes the State Board of Health to adopt regulations necessary to carry out the provisions of sections 3-14; and (2) makes the provisions of sections 3-14 inapplicable to an electronic communication device that is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

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

Section 1. 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 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, 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 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Failure to comply with the provisions of sections 3 to 14, inclusive, of this act and any regulation adopted pursuant thereto.

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.

241

Sec. 3. *As used in sections 3 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.*

Sec. 5. *"Guardian" has the meaning ascribed to it in NRS 159.017.*

Sec. 6. *"Living quarters" means the room in which a patient resides.*

Sec. 7. *"Representative" means a person who is authorized to serve as the representative of a patient pursuant to section 8 of this act.*

Sec. 8. *A person may serve as the representative of a patient in a facility for skilled nursing, including, without limitation, a patient who is the roommate of a patient who wishes to submit or has submitted a request pursuant to section 9 of this act, for the purposes of sections 3 to 14, inclusive, of this act if the person:*

1. Is the guardian of the patient whom he or she is representing and:

(a) The power to make decisions on behalf of the patient pursuant to sections 3 to 14, inclusive, of this act is specifically authorized under the existing guardianship; or

(b) The guardian has separately petitioned for and been granted such power by the court that has jurisdiction over the guardianship; or

2. Has been given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive, and the power to make decisions on behalf of the patient pursuant to sections 3 to 14, inclusive, of this act is specifically delegated to the person in the power of attorney.

Sec. 9. *1. A patient in a facility for skilled nursing or the representative of the patient may request the installation and use of an electronic communication device in the living quarters of the patient by submitting to the facility for skilled nursing:*

(a) A completed form prescribed by the facility pursuant to subsection 3; or

(b) If the facility has not prescribed a form pursuant to subsection 3, a written request that meets the requirements of subsection 2.

2. A request submitted pursuant to subsection 1 must include or be accompanied by:

(a) Information regarding the type, function and expected use of the electronic communication device which will be installed and used;

(b) The name and contact information for any person other than the patient or his or her representative who is authorized to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device pursuant to subsection 3 of section 11 of this act;

(c) An agreement by the patient or the representative of the patient to, except as otherwise provided by section 11 of this act:

(1) Waive the patient's right to privacy in connection with use of the electronic communication device; and

(2) Release the facility for skilled nursing and any employee of the facility from any administrative, civil or criminal liability for a violation of the patient's right to privacy in connection with use of the electronic communication device;

(d) If the patient has a roommate:

(1) The written consent of the roommate or the representative of the roommate to ~~[the]~~ :

(I) The installation and use of an electronic communication device in the living quarters of the patient ~~[,]~~ ; and

(II) The viewing of or listening to the images or sounds which are displayed, broadcast or recorded by the electronic communication device by the patient, the representative of the patient and each person identified pursuant to paragraph (b); and

(2) An agreement by the roommate or the representative of the roommate to, except as otherwise provided in section 11 of this act:

(I) Waive the roommate's right to privacy in connection with use of the electronic communication device; and

(II) Release the facility for skilled nursing and any employee of the facility from any administrative, civil or criminal liability for a violation of the roommate's right to privacy in connection with the accidental or intentional use or misuse of the electronic communication device; and

(e) If the request is submitted by the representative of the patient, proof that the representative of the patient meets the requirements of section 8 of this act.

3. A facility for skilled nursing may prescribe a form for use by a patient or the representative of a patient to request to install and use an electronic communication device in the living quarters of the patient. To the extent practicable, such a form must be provided in a language chosen by the patient or the representative of the patient. Such a form must include, without limitation:

(a) An explanation of the provisions of sections 3 to 14, inclusive, of this act; and

(b) Places to record the information, agreements and consent described in paragraphs (a) to (d), inclusive, of subsection 2.

4. A facility for skilled nursing shall approve a request by a patient or the representative of a patient pursuant to this section if the request meets the requirements of this section.

5. If the roommate or the representative of the roommate of a patient who wishes to submit a request pursuant to subsection 1, or whose representative wishes to submit such a request, refuses to provide consent and enter into the agreement required by paragraph (d) of subsection 2, the facility for skilled nursing shall make reasonable attempts to accommodate the patient. Such reasonable attempts may include, without limitation, moving either the patient or his or her roommate to different living quarters with the consent of the person being moved or his or her representative.

6. A patient or the representative of a patient who has submitted a request pursuant to subsection 1, a roommate who has provided consent pursuant to paragraph (d) of subsection 2 or the representative of such a roommate may withdraw the request or consent at any time, including, without limitation, after the request has been approved or after an electronic communication

device has been installed, by submitting a written revocation to the facility for skilled nursing. ~~[Upon]~~ Not later than 24 hours after the submission of such a written revocation, the facility for skilled nursing shall cause the removal of any electronic communication device that has been installed.

Sec. 10. *1. If a facility for skilled nursing approves a request to install and use an electronic communication device in the living quarters of a patient pursuant to section 9 of this act, the patient or the representative of the patient is solely responsible for:*

(a) Choosing the electronic communication device, subject to the limitations prescribed by subsection ~~[2; and]~~ 3;

(b) The cost of the electronic communication device ~~[and the]~~ ;

(c) The cost of installing, maintaining and removing the electronic communication device, if applicable, other than the cost of electricity used to power the electronic communication device ~~[.]~~ ; and

(d) The cost of any repairs required due to the installation or removal of the device.

2. A patient who is discharged from a facility for skilled nursing or the representative of such a patient remains solely responsible for the costs described in subsection 1, including, without limitation, such costs that are incurred after the discharge of the patient.

3. An electronic communication device chosen by a patient or the representative of a patient pursuant to subsection 1 must:

(a) Be capable of being temporarily disabled or turned on and off; and

(b) If the device communicates using video or other visual transmission, to the greatest extent practicable, be installed:

(1) With a fixed viewpoint of the living quarters; or

(2) In a manner that avoids capturing images of activities such as bathing, dressing and toileting.

Sec. 11. *1. Except as otherwise provided in this section, a person other than the patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to section 9 of this act shall not intentionally:*

(a) Obstruct, tamper with or destroy the electronic communication device or any recording made by the electronic communication device; or

(b) View or listen to any images or sounds which are displayed, broadcast or recorded by the electronic communication device.

2. The following persons may view or listen to the images or sounds which are displayed, broadcast or recorded by an electronic communication device installed and used pursuant to section 9 of this act or temporarily disable or turn off such a device:

(a) A representative of a law enforcement agency who is conducting an investigation;

(b) A representative of the Aging and Disability Services Division or the Division of Public and Behavioral Health of the Department of Health and Human Services who is conducting an investigation;

(c) The State Long-Term Care Ombudsman; and

(d) An attorney who is representing the patient or a roommate of the patient and acting within the scope of that representation.

3. A patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to section 9 of this act may authorize a person other than a person described in subsection 2 to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device. Any such authorization must be made in writing. *The patient or representative, as applicable, shall provide a copy of the authorization to the facility and the roommate of the patient or the representative of the roommate, if any.*

4. A person who temporarily disables or turns off an electronic communication device pursuant to subsection 2 shall ensure that the functions of the electronic communication device are appropriately enabled or turned back on before exiting the living quarters of the patient.

5. A facility for skilled nursing shall not deny admission to or discharge a patient from the facility or otherwise discriminate or retaliate against a patient because of a decision to request the installation and use of an electronic communication device in the living quarters of the patient pursuant to section 9 of this act.

Sec. 12. *1. A natural person who violates subsection 1 of section 11 of this act:*

(a) For a first offense, is liable for a civil penalty not to exceed $5,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $10,000 for each violation; and

(2) Is guilty of a misdemeanor.

2. In addition to any disciplinary action imposed pursuant to chapter 449 of NRS, a facility for skilled nursing or any person, partnership, association or corporation establishing, conducting, managing or operating a facility for skilled nursing who violates subsection 1 or 5 of section 11 of this act:

(a) For a first offense, is liable for a civil penalty not to exceed $10,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $20,000 for each violation; and

(2) Is guilty of a misdemeanor.

3. The Attorney General or any district attorney may recover any civil penalty assessed pursuant to this section in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 13. *1. A facility for skilled nursing* ~~*[may]*~~ *shall post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters.*

2. An employee of a facility of skilled nursing shall not refuse to enter the living quarters of a patient which contains an electronic communication device

installed pursuant to section 9 of this act or fail to perform any of the duties of the employee on the grounds that such a device is in use.

Sec. 14. *1. The State Board of Health may adopt regulations necessary to carry out the provisions of sections 3 to 14, inclusive, of this act.*

2. The provisions of sections 3 to 14, inclusive, of this act do not apply if an electronic communication device is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

Sec. 15. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 14, inclusive, of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 615 to Assembly Bill No. 202 provides that the patient, or his or her representative, is responsible for any repairs due to the installation or removal of the electronic communication devices, authorizes a patient with the consent of the roommate of the patient to authorize additional persons to view or listen to footage and provides that to the extent practicable, forms mentioned in section 9 must be provided in a language chosen by the patient or his or her representative.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 207.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 586.

SUMMARY—Revises provisions governing work-based learning programs. (BDR 34-835)

AN ACT relating to education; authorizing the board of trustees of a school district and the governing body of a charter school to obtain insurance for liability arising out of the participation of a pupil in a work-based learning program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon approval of the State Board of Education. (NRS 389.167) This bill authorizes the board of trustees of a school district or the governing body of a charter school to obtain liability insurance against liability arising out of the participation of a pupil in a work-based learning program. This bill also prohibits the board of trustees of a school district or the governing body of a charter school from directly or indirectly charging a pupil or the parent or legal guardian of a pupil for the cost of such insurance coverage. This bill authorizes the board of trustees of a school district or the governing body of a charter

school to accept gifts, grants and donations to purchase or maintain such insurance.

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district or the governing body of a charter school that has been approved by the State Board to offer a work-based learning program may purchase and maintain insurance against any liability arising out of the participation of a pupil in the work-based learning program. The coverage authorized by this section must be obtained from an insurer who is authorized to do business in this State.

2. A school district or charter school may not directly or indirectly charge a pupil or the parent or legal guardian of a pupil for the cost of obtaining insurance coverage pursuant to subsection 1.

3. The board of trustees of a school district or the governing body of a charter school may accept gifts, grants and donations from any source to purchase or maintain insurance coverage pursuant to subsection 1.

Sec. 2. This act becomes effective on July 1, 2023.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 586 to Assembly Bill No. 207 allows the governing body of a school district or a charter school to accept gifts, grants and donations to purchase or maintain liability insurance coverage.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 241.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 587.

SUMMARY—Revises provisions governing the education of pupils enrolled in a public high school. (BDR 34-625)

AN ACT relating to education; requiring pupils enrolled in a public high school to be enrolled in the courses and credits required to obtain a college and career ready high school diploma ~~[,]~~ or certain diplomas that are equivalent or more rigorous; establishing exceptions to the requirement for a pupil to be enrolled in such courses and credits; ~~[prescribing additional requirements for obtaining a college and career ready high school diploma and endorsement;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations that prescribe the criteria for a pupil to receive a college and career ready high school diploma, which must include requirements that the pupil: (1) satisfy the criteria for receipt of a standard high school diploma; and (2) obtain a

college-ready endorsement or a career-ready endorsement. Existing law requires the State Board to adopt regulations prescribing the criteria for a pupil to obtain each endorsement. (NRS 390.605) Existing law also 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 1 of this bill requires a pupil enrolled in a public high school to enroll in the courses and credits required by the State Board to receive : (1) a college and career ready high school diploma ~~[.]~~ ; or (2) a diploma offered by a school district that is equivalent to or more rigorous than a college and career ready high school diploma. Section 1 provides that a pupil is not required to enroll in such courses and credits if: (1) the pupil, ~~[his parent or legal guardian and an administrator or]~~ a counselor at the school and, under certain circumstances, the parent or legal guardian of the pupil and an administrator at the school, mutually agree to a modified course of study for the pupil after the pupil's ninth grade year; or (2) the pupil is a pupil with a disability and is exempted from the requirement to do so in accordance with the pupil's individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794. ~~[Section 1.5 of this bill prescribes additional requirements necessary to receive a college and career ready diploma. Section 1.7 of this bill prescribes the requirements necessary to receive a college ready or career ready endorsement.]~~ Section 2 of this bill provides for the application of the amendatory provisions of this bill to certain pupils enrolled in a school district located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) beginning in the 2024-2025 school year. Section 2 applies similar provisions to certain pupils enrolled in a school district located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) beginning with the 2026-2027 school year.

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

Section 1. 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, civics, financial literacy and multicultural education.

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, 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, an adjusted diploma or an alternative 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.

4. Instruction in health and physical education provided pursuant to subsection 3 must include, without limitation, instruction concerning the importance of annual physical examinations by a provider of health care and the appropriate response to unusual aches and pains.

5. Except as otherwise provided in ~~[this]~~ subsection ~~[,]~~ 6, in addition to the courses of study and credits required by subsection 2, a pupil enrolled in a public high school must enroll in ~~[any]~~ :

(a) Any additional courses of study and credits required by the State Board to receive a college and career ready high school diploma, including, without limitation, the courses of study and credits required to receive one of the endorsements described in subsection 3 of NRS 390.605 ~~[.]~~ ; or

(b) Any additional courses of study and credits required to receive a diploma that is awarded by a school district and is equivalent to or more rigorous than a college and career ready high school diploma.

6. A pupil is not required to enroll in the courses of study and credits required by ~~[this]~~ subsection 5 if:

(a) After the pupil's ninth grade year, the pupil ~~[consults]~~ and, to the extent practicable, the parent or legal guardian of the pupil consult with a counselor and, to the extent practicable, an administrator, at the school in which the pupil is enrolled and ~~[agrees]~~ the pupil, counselor and, if applicable, the parent or legal guardian and administrator, 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, an adjusted diploma or an alternative diploma, as applicable; or

(b) The pupil is a pupil with a disability and, in accordance with his or her individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, is exempted from the requirement to enroll in the courses of study and credits required by this subsection.

~~[6.]~~ 7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 1.3. ~~[Chapter 390 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.]~~ (Deleted by amendment.)

Sec. 1.5. ~~[*1. To receive a college and career ready diploma evidencing graduation from high school pursuant to NRS 390.605, a pupil must, in addition to meeting the criteria prescribed pursuant to subsection 1 of NRS 390.600:*~~

~~*(a) Successfully complete the requirements to receive an advanced diploma prescribed by regulations adopted pursuant to NRS 390.600;*~~

~~*(b) Demonstrate proficiency in speaking not less than two languages or have earned not less than two of the units of credit used to complete the requirements to receive an advanced diploma prescribed by regulations adopted pursuant to NRS 390.600 in:*~~

~~*(1) Advanced placement courses;*~~

~~*(2) International baccalaureate courses;*~~

~~*(3) Dual credit courses or courses completed through dual enrollment;*~~

~~*(4) Career and technical education courses;*~~

~~*(5) Work-based learning courses; or*~~

~~*(6) A world language course; and*~~

~~*(c) Obtain a college-ready endorsement pursuant to section 1.7 of this act, or a career-ready endorsement pursuant to section 1.7 of this act.*~~

~~*2. To the extent that money is available for these purposes, the Department:*~~

~~*(a) Shall award incentive grants to each public high school, including, without limitation, each charter school that operates as a high school, for each graduate of the school who receives a college and career ready high school diploma; and*~~

~~*(b) May reimburse a school district or a charter school that operates as a high school for any costs associated to administer or provide an assessment, credential, certificate or certification required for a pupil to receive a college and career ready high school diploma pursuant to subsection 1.]*~~ (Deleted by amendment.)

Sec. 1.7. ~~*[1. To receive a college-ready endorsement pursuant to paragraph (a) of subsection 3 of NRS 390.605, a pupil must, before graduating from high school:*~~

~~*(a) Complete a college readiness assessment prescribed by the Board of Regents of the University of Nevada; and*~~

~~*(b) Receive not less than the minimum scores for initial placement into college-level English and mathematics courses prescribed by the Board of Regents.*~~

~~*2. To receive a career-ready endorsement pursuant to paragraph (b) of subsection 3 of NRS 390.605, a pupil must, before graduating from high school:*~~

~~*(a) Receive not less than the minimum score prescribed by the State Board on a career readiness assessment prescribed by the State Board;*~~

~~*(b) Satisfy the requirements for the issuance of a certificate for the completion of a course of study in career and technical education established pursuant to NRS 388.380; or*~~

~~*(c) Obtain an industry recognized credential identified by the Executive Director of the Governor's Office of Workforce Innovation in the Department of Employment, Training and Rehabilitation pursuant to NRS 232.975.]*~~ (Deleted by amendment.)

Sec. 2. 1. The amendatory provisions of section 1 of this act apply to pupils who are enrolled in a school district located in a county whose population is 100,000 or more and who are:

(a) Enrolled in grade 9 for the 2024-2025 school year;

(b) Enrolled in grade 9 or 10 for the 2025-2026 school year;

(c) Enrolled in grade 9, 10 or 11 for the 2026-2027 school year; and

(d) Enrolled in high school for each school year thereafter.

2. The amendatory provisions of section 1 of this act apply to pupils who are enrolled in a school district located in a county whose population is less than 100,000 and who are:

(a) Enrolled in grade 9 for the 2026-2027 school year;

(b) Enrolled in grade 9 or 10 for the 2027-2028 school year;

(c) Enrolled in grade 9, 10 or 11 for the 2028-2029 school year; and

(d) Enrolled in high school for each school year thereafter.

Sec. 3. 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. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 ~~[to]~~ *and* 2 ~~[, inclusive,]~~ of this act become effective:

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

(b) On July 1, 2024, for all other purposes.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 587 to Assembly Bill No. 241 adds Assemblywoman Hansen as a cosponsor and Senator Buck as a joint sponsor; deletes sections from the bill concerning requirements necessary to receive a CCR diploma and college-ready endorsement and instead requires the State Board of Education to establish diploma requirements by regulation and that such regulations do not become effective unless approved by the Legislative Commission; have the meeting to opt out of a CCR diploma involve the pupil and counselor and, to the extent practicable, the parent or legal guardian and an administrator, and requires the pupil, counselor, parent or legal guardian and administrator, if applicable, to sign off on opting out of the CCR diploma; and adds that a pupil must enroll in the courses of study and credits required to earn a CCR diploma or any equivalent or higher diploma offered by a district.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 256.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 559.

SUMMARY—Revises provisions relating to work-based learning programs. (BDR 34-534)

AN ACT relating to education; revising the requirements to receive approval from the State Board of Education to offer a work-based learning program; requiring the Department of Education to adopt regulations prescribing a method for the board of trustees of a school district to determine whether the employment and supervision of a pupil in a work-based learning program is appropriate; authorizing the board of trustees of a school district to exempt certain volunteers participating in a work-based learning program from submitting fingerprints for the purpose of a criminal background check; deeming certain employees of a business, agency or organization that participates in a work-based learning program not to be volunteers at a school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each volunteer at a public school, including a charter school or university school for profoundly gifted pupils, and a private school who is likely to have unsupervised contact with pupils to submit his or her fingerprints to the governing body of a charter school or university school for profoundly gifted pupils, the administrator of the private school or the board

of trustees of the school district, as applicable, for the purposes of a criminal background check before beginning his or her service as a volunteer and at least once every 5 years thereafter. (NRS 388A.515, 388C.200, 391.104, 394.155) Existing law defines the term "volunteer" to mean any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by the school during or outside of school hours. (NRS 388A.510, 388C.190, 391.1035, 394.154)

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon application to and with the approval of the State Board of Education. Under existing law, a work-based learning program must include certain requirements to receive approval from the State Board to offer a work-based learning program. (NRS 389.167) Section 1.5 of this bill requires a work-based learning program to additionally include a requirement that each pupil participating in the work-based learning program complete training on: (1) identifying and reporting harassment in the workplace; ~~[and]~~ (2) developing and maintaining healthy relationships in the workplace ~~[.]~~ ; and (3) identifying the signs of certain predatory behavior.

Section 2 of this bill requires the Department of Education to prescribe by regulation a method for the board of trustees of a school district to: (1) examine a business, agency or organization seeking to participate in a work-based learning program; and (2) determine if the employment and supervision of a pupil by the business, agency or organization would be appropriate. If the board of trustees of a school district determines the employment and supervision of a pupil in a work-based learning program by the business, agency or organization is appropriate, section 2 authorizes a board of trustees of a school district to exempt a volunteer employed by the business, agency or organization from submitting his or her fingerprints for the purposes of a criminal background check. Section 5 of this bill makes a conforming change to specifically exempt such a volunteer from submitting his or her fingerprints for the purposes of a criminal background check. Section 3 of this bill makes a conforming change to indicate the proper placement of section 2 in the Nevada Revised Statutes.

Sections 1 and 4 of this bill revise the definition of the term "volunteer" for the purposes of public schools to exclude an employee of a business, agency or organization that participates in a work-based learning program, other than an employee who directly oversees the participation of or has unsupervised contact with a pupil in the work-based learning program.

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

Section 1. NRS 388A.510 is hereby amended to read as follows:

388A.510 "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a charter school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of any overnight trip.

2. Does not include ~~[a]~~ *:*

(a) A student who is enrolled at an institution of higher education and is:

~~[(a)]~~ *(1)* Taking a course which requires the student to be present in the classroom of the charter school on a limited basis to observe and to be observed in the classroom; and

~~[(b)]~~ *(2)* Under direct supervision of a teacher or his or her professor at all times while in the classroom.

(b) An employee of a business, agency or organization that participates in a work-based learning program pursuant to NRS 389.167, other than an employee who directly oversees the participation of or has unsupervised contact with a pupil in the work-based learning program.

Sec. 1.5. NRS 389.167 is hereby amended to read as follows:

389.167 1. A pupil enrolled at a public school must be allowed to apply one or more credits toward the total number of credits required for graduation from high school if the pupil successfully completes the number of hours in a work-based learning program required by regulation of the State Board to earn such credits. Any credits earned for successful completion of a work-based learning program must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. The board of trustees of a school district or the governing body of a charter school may offer a work-based learning program upon application to and with the approval of the State Board. An application to offer a work-based learning program must include, without limitation:

(a) The fields, trades or occupations in which a work-based learning program will be offered.

(b) The qualifications of a pupil to participate in the work-based learning program. Such qualifications must allow a majority of pupils to be eligible to participate in the work-based learning program.

(c) A description of the process that will be used by pupils to apply to participate in a work-based learning program.

(d) A description of the manner in which participation in a work-based learning program and completion of the requirements of a work-based learning program will be verified.

(e) A description of the manner in which the performance of a pupil who participates in the work-based learning program will be evaluated, which must include, without limitation, an on-site evaluation of the performance of the pupil.

3. Upon approval by the State Board of an application to offer a work-based learning program submitted pursuant to subsection 2, the board of trustees or the governing body shall:

(a) Designate an employee of the school district or charter school, as applicable, to serve as a work-based learning coordinator to coordinate and oversee work-based learning programs. Such an employee must ensure that

each business, agency or organization that will offer employment and supervision of a pupil as part of the work-based learning program is suitable for participation in a work-based learning program.

(b) Establish and maintain a list of businesses, agencies and organizations that have been found suitable by the work-based learning coordinator pursuant to paragraph (a).

4. To receive approval from the State Board to offer a work-based learning program, the work-based learning program must include, without limitation, requirements that:

(a) A detailed training agreement and training plan be completed for each pupil participating in the work-based learning program for credit that identifies the specific tasks in which the pupil will participate that will develop competency of the pupil in the workplace;

(b) A pupil participating in the work-based learning program be allowed to leave the public school in which he or she is enrolled during the school day to participate in such a program; ~~[and]~~

(c) Participation by a pupil in the work-based learning program will develop a broad range of skills and will allow a pupil to focus on his or her chosen career pathway ~~[.]~~ *; and*

(d) Training be completed by each pupil participating in the work-based learning program on:

(1) Identifying and reporting harassment in the workplace; ~~[and]~~

(2) Developing and maintaining healthy relationships in the workplace ~~[.]~~ ; and

(3) Identifying the signs of a person engaging in predatory conduct to prepare a pupil for sexual activity or to foster an inappropriate personal or professional relationship with a pupil, including, without limitation, through communicating or attempting to befriend or establish a relationship or other connection with a parent or legal guardian of a pupil in furtherance of such conduct.

5. A school district or charter school may allow a pupil who successfully completes a work-based learning program to earn dual credit for participation in the work-based learning program.

6. On or before January 15 of each odd-numbered year, the board of trustees of a school district and the governing body of a charter school that offers a work-based learning program shall prepare a report concerning the manner in which the work-based learning program has been carried out and submit the report to the State Board and the Legislature. The report must include, without limitation:

(a) The number of pupils participating in the work-based learning program; and

(b) The types of work-based learning offered through the work-based learning program.

7. The number of pupils participating in the work-based learning program reported pursuant to paragraph (a) of subsection 6 must be disaggregated on the basis of the following characteristics:

(a) Pupils who are American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Pacific Islander, white or two or more races;

(b) Gender of pupils;

(c) Pupils who are migrants; and

(d) Pupils who are members of special populations, as defined in 20 U.S.C. § 2302(48).

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall prescribe by regulation a method for the board of trustees of a school district to determine if a business, agency or organization that is seeking to employ and supervise a pupil as a part of a work-based learning program pursuant to NRS 389.167 should be subject to the provisions of NRS 391.104 requiring a volunteer who is likely to have unsupervised contact with pupils to submit his or her fingerprints for an investigation into the criminal background of the volunteer.

2. The method prescribed by the Department pursuant to subsection 1 must include, without limitation, a process outlining how the board of trustees of a school district shall:

(a) Examine a business, agency or organization seeking to participate in a work-based learning program pursuant to NRS 389.167; and

(b) Determine if the employment and supervision of a pupil in the work-based learning program by the business, agency or organization examined pursuant to paragraph (a) would be appropriate for the pupil.

3. If the board of trustees of a school district determines the employment of a pupil in a work-based learning program pursuant to this section is appropriate for the pupil pursuant to subsection 2, the board of trustees may exempt any volunteers employed by the business, agency or organization from the requirements of NRS 391.104 requiring a volunteer who is likely to have unsupervised contact with pupils to submit his or her fingerprints for an investigation into the criminal background of the volunteer.

Sec. 3. NRS 391.1025 is hereby amended to read as follows:

391.1025 As used in NRS 391.1025 to 391.106, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 391.103 and 391.1035 have the meanings ascribed to them in those sections.

Sec. 4. NRS 391.1035 is hereby amended to read as follows:

391.1035 "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a public school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of an overnight trip.

2. Does not include ~~[a]~~ *:*

(a) A student who is enrolled at an institution of higher education and is:

~~[(a)]~~ *(1)* Taking a course which requires the student to be present in the classroom of the public school on a limited basis to observe and to be observed in the classroom; and

~~[(b)]~~ *(2)* Under direct supervision of a teacher or his or her professor at all times while in the classroom.

(b) An employee of a business, agency or organization that participates in a work-based learning program pursuant to NRS 389.167, other than an employee who directly oversees the participation of or has unsupervised contact with a pupil in the work-based learning program.

Sec. 5. NRS 391.104 is hereby amended to read as follows:

391.104 1. Except as otherwise provided in NRS 391.105 ~~[,]~~ *and section 2 of this act,* each applicant for employment pursuant to NRS 391.100 or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➥ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2 and NRS 391.105.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3 or NRS 391.105.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Section 2 of this act becomes effective:

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

(b) On July 1, 2023, for all other purposes.

3. Sections 1, 1.5, 3, 4 and 5 of this act become effective on July 1, 2023.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 559 to Assembly Bill No. 256 requires pupils to complete training on identifying the signs of predatory behavior or behavior that fosters an inappropriate personal or professional relationship and requires that a background check be completed for anyone with an employer participating in a work-based learning program who either directly supervises or has unsupervised contact with a pupil in such a program and allows businesses to be exempted from

this requirement by a school district if it is vetted according to Nevada's Department of Education processes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 284.

Bill read second time.

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

Amendment No. 571.

SUMMARY—Authorizes the business of a mortgage company to be conducted from a remote location under certain circumstances. (BDR 54-941)

AN ACT relating to mortgage companies; authorizing an employee of a mortgage company, including a mortgage loan originator employed by or associated with the mortgage company, to conduct the business of the mortgage company at a remote location under certain circumstances; setting forth certain requirements and restrictions concerning the conducting of the business of a mortgage company at a remote location; requiring the Commissioner of Mortgage Lending to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an applicant for a license as a mortgage company to state in the application: (1) for an applicant who is not a wholesale lender, the location of each principal office and branch office at which the mortgage company will conduct business in this State; and (2) the location of any principal office, office or other place of business located outside this State from which the mortgage company will conduct business in this State. Existing law also requires a mortgage company that will conduct business at one or more branch offices to apply for a license for each branch office. (NRS 645B.020)

Section 1 of this bill authorizes an employee of a mortgage company, including, without limitation, a mortgage loan originator employed by or associated with the mortgage company, to conduct the business of the mortgage company at a remote location if authorized by the mortgage company. Section 1 defines "remote location" to mean, in general, any location, including the residence of an employee, that is not a location for which a license as a mortgage company has been issued. Section 1 sets forth certain requirements for a mortgage company to authorize an employee to conduct the business of the mortgage company at a remote location. Additionally, section 1 prohibits: (1) an employee from interacting with a customer in person at the residence of the employee; and (2) the maintenance of physical records at a remote location. Finally, section 1 requires : (1) a mortgage company to maintain certain records relating to business conducted at a remote location at its principal office or a branch office; and (2) the Commissioner of Mortgage Lending to adopt regulations governing the conducting of the business of a mortgage company at a remote location that

include, without limitation, requirements for the keeping and maintenance of records for mortgage transactions made by an employee at a remote location.

Existing law requires each mortgage company to keep and maintain at each location where the mortgage company conducts business in this State records of all mortgage transactions made by the mortgage company at that location. (NRS 645B.080) Section 2 of this bill exempts a remote location from that requirement and instead requires a mortgage company to keep and maintain records of all mortgage transactions made by an employee at a remote location in accordance with the requirements established by the Commissioner by regulation pursuant to section 1.

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

Section 1. Chapter 645B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An employee of a mortgage company may conduct the business of the mortgage company at a remote location if authorized by the mortgage company.

2. A mortgage company may authorize an employee to conduct the business of the mortgage company at a remote location if the mortgage company:

(a) Has adopted written policies and procedures for the supervision of employees working at a remote location to ensure that:

(1) Each employee working from a remote location complies with the provisions of this section and the regulations adopted pursuant thereto; and

(2) The mortgage company exercises reasonable supervision and control over the activities of his or her mortgage loan originators pursuant to NRS 645B.460;

(b) Has adopted a comprehensive written plan for the security of the information systems of the mortgage company and any customer information collected and maintained by the mortgage company ~~[.]~~ *, which must contain specific provisions regarding cybersecurity and the use of a virtual private network or other secure connection at the remote location that requires:*

(1) Multifactor authentication;

(2) A backup system and data recovery system; and

(3) Protocols in the event of a cybersecurity incident; and

(c) Ensures that the information systems of the mortgage company and any customer information collected and maintained by the mortgage company are accessed by employees working at a remote location only in accordance with the security plan adopted pursuant to paragraph (b).

3. An employee of a mortgage company shall not interact with a customer of the mortgage company in person at the residence of the employee unless a license has been issued for that residence pursuant to NRS 645B.020.

4. Any physical records of a mortgage company must not be maintained at a remote location. Any underlying origination records obtained through the

conduct of the business of a mortgage company at a remote location must be maintained at the principal office or a branch office of the mortgage company.

5. The Commissioner shall adopt regulations governing the conducting of the business of a mortgage company at a remote location. The regulations:

(a) Must include, without limitation, requirements for the keeping and maintenance of complete and suitable records of all mortgage transactions made by an employee of a mortgage company at a remote location; and

(b) May include, without limitation, any additional requirements for an employee of a mortgage company to conduct the business of a mortgage company from a remote location.

6. As used in this section:

(a) "Business of a mortgage company" includes, without limitation, any activity for which a license is required pursuant to this chapter that is conducted by an employee who is a mortgage loan originator employed by or associated with a mortgage company.

(b) "Employee" includes, without limitation, a mortgage loan originator who is employed by or associated with a mortgage company.

(c) "Remote location" means a location, other than a principal office, branch office or other office or place of business for which a license has been issued pursuant to NRS 645B.020, at which an employee of a mortgage company conducts the business of the mortgage company pursuant to this section. The term includes, without limitation, the residence of an employee.

Sec. 2. NRS 645B.080 is hereby amended to read as follows:

645B.080 1. Each mortgage company shall keep and maintain at all times at each location *, other than a remote location,* where the mortgage company conducts business in this state complete and suitable records of all mortgage transactions made by the mortgage company at that location. Each mortgage company shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage company. *Each mortgage company shall keep and maintain complete and suitable records of all mortgage transactions made by an employee of the mortgage company at a remote location in accordance with the requirements established by the Commissioner by regulation pursuant to section 1 of this act.*

2. Except as otherwise provided in subsection 3, each mortgage company shall submit to the Commissioner each month a report of the mortgage company's activity for the previous month. The report must:

(a) Specify the volume of loans arranged and loans made by the mortgage company for the month or state that no loans were arranged or made in that month;

(b) Include any information required pursuant to NRS 645B.260 or pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. The Commissioner may waive the requirement to submit a report pursuant to subsection 2 if substantially similar information is available to the Commissioner from another source.

4. The Commissioner may adopt regulations prescribing accounting procedures for mortgage companies handling trust accounts and the requirements for keeping records relating to such accounts.

5. Each mortgage company who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

6. As used in this section, "remote location" has the meaning ascribed to it in section 1 of this act.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 571 to Assembly Bill No. 284 amends provisions to mandate the inclusion of specific provisions related to cybersecurity and a virtual private network, or another secure system, at the remote location in the written plan for information security and requires that any underlying origination records obtained through the conduct of business at a remote location to be maintained at the principal office or a branch office of the mortgage company.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 316.

Bill read second time and ordered to third reading.

Assembly Bill No. 334.

Bill read second time.

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

Amendment No. 570.

SUMMARY—Revises provisions relating to insurance for motor vehicles. (BDR 57-949)

AN ACT relating to insurance; requiring, under certain circumstances, an insurer that requires the inspection or further inspection of a motor vehicle for repair relating to a claim to conduct the inspection or further inspection within a certain period of time; providing an administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) with certain exceptions, an insurer to approve or deny a claim of its insured relating to a contract of casualty of insurance within

30 days after receiving the claim; and (2) an insurer to notify a policyholder within 20 days after receiving the claim if the insurer requires additional information or time to determine whether to approve or deny the claim. (NRS 690B.012)

Section 1 of this bill provides that if an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[8]~~ 6 business days after receiving the claim and accepting liability: (1) request that the insured ~~[or]~~ , the claimant ~~[,]~~ or a representative of the selected repair shop, as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. The insurer is required , within 2 business days after the inspection, to ~~[furnish a copy of]~~ transmit the completed estimate which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair at the time of the inspection. Section 1 further provides that if, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within ~~[8]~~ 6 business days after making such determination: (1) request that the insured ~~[or]~~ , the claimant ~~[,]~~ or a representative of the selected repair shop, as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. The insurer is required , within 2 business days after the inspection, to ~~[furnish a copy of]~~ transmit the completed estimate which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair at the time of the inspection. If the insurer fails to inspect or further inspect the vehicle during the time in which it is required to do so or fails to provide the required completed estimate, the insurer waives its right to inspect or further inspect the vehicle and, with certain exceptions, negotiations for payment of the claim are limited to the cost of labor and price of parts. Finally, section 1 authorizes the Division of Insurance of the Department of Business and Industry to impose an administrative fine of not more than the actual damages or $1,200 , whichever is less, for each violation of section 1.

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

Section 1. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[8]~~ 6 business days after receiving the claim, accepting liability and confirming coverage:

(a) Request that the insured ~~[or]~~ , the claimant ~~[,]~~ or a representative of the selected repair shop, as applicable, make the motor vehicle available for inspection; and

(b) Except as otherwise provided in subsection 3, inspect the motor vehicle.

➥ ~~[The]~~ Within 2 business days after an inspection, the insurer shall ~~[furnish a copy of]~~ transmit the completed estimate ~~[at the time of the inspection]~~ which

includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair.

2. If, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within [8] 6 business days after making such determination:

(a) Request that the insured [or] , the claimant [,] or a representative of the selected repair shop, as applicable, make the motor vehicle available for further inspection; and

(b) Except as otherwise provided in subsection 3, conduct such further inspection of the motor vehicle.

➥ *[The] Within 2 business days after an inspection, the insurer shall [furnish a copy of] transmit the completed estimate [at the time of the inspection] which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair.*

3. If the insured or claimant does not make a motor vehicle available for inspection or further inspection within [8] 6 business days after receiving a request from the insurer pursuant to subsection 1 or 2, the insurer shall inspect or further inspect the vehicle as soon as practicable after the insured or claimant makes the motor vehicle available.

4. If an insurer fails to inspect the motor vehicle during the period required pursuant to subsection 1, 2 or 3, as applicable, or fails to [furnish a copy of] transmit the completed estimate required pursuant to subsection 1 or 2, as applicable, the insurer waives its right to inspect or further inspect the motor vehicle before any repairs are made to the vehicle. Unless the repair facility or, as applicable, the insured or claimant allows an inspection or further inspection of the vehicle after the period required pursuant to subsection 1, 2 or 3, negotiations for payment of the claim are limited to the cost of labor and the price of parts unless the insurer provides objective evidence to dispute the existence of damage or the chosen manner of repair.

5. The insured or claimant, as applicable, [or a repair facility] may file a complaint against the insurer with the Division if the insurer waives its right to inspect or further inspect the vehicle and does not limit negotiations for payment of the claim to the cost of labor and the price of parts or provide objective evidence to dispute the existence of the damage or the chosen manner of repair.

6. The Division may impose against an insurer an administrative fine of not more than the actual damages or $1,200 , whichever is less, for a violation of the provisions of this section.

7. As used in this section, "inspection" means:

(a) A physical inspection; or

(b) A digital inspection which includes, without limitation, the provision of digital photographs, videos or any other digital evidence through an electronic processing system authorized by an insurer that conducts the inspection of a motor vehicle.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 570 to Assembly Bill No. 334 decreases the timeframe in which an insurer must inspect a motor vehicle for potential repair or further examination related to a claim from eight business days to six, amends provisions to allow a representative from the repair shop to make the vehicle available for inspection or further inspection and requires insurers to transmit the completed estimate detailing the extent of known damages and repair methods within two business days following an inspection. It removes authority of a repair facility to file a complaint against the insurer with the Division of Insurance of the Department of Business and Industry, under certain circumstances, amends provisions that insurers who violate the bill's provisions may be subject to an administrative fine not exceeding the lesser of the actual damages or $1,200 per violation, and it adds a new subsection to define "inspection" as used in section 1 of this bill.

Amendment adopted.

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

Assembly Bill No. 356.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 608.

SUMMARY—Enacts provisions relating to mobile tracking devices. (BDR 15-1007)

AN ACT relating to mobile tracking devices; prohibiting a person from installing, concealing or otherwise placing a mobile tracking device in or on the motor vehicle of another person under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The United States District Court for the District of Nevada has held that using a GPS tracking device to monitor the movements of a person implicates the tort of invasion of privacy because a person has a reasonable expectation of privacy with respect to his or her daily movements in a motor vehicle. (*Ringelberg v. Vanguard Integrity Prof'ls-Nev., Inc.*, No. 2:17-CV 01788-JAD-PAL (D. Nev. Dec. 3, 2018)) Existing law does not expressly prohibit a person from installing a tracking device on the motor vehicle of another person. This bill expressly provides that a person commits the crime of unlawful installation of a mobile tracking device if the person installs, conceals or otherwise places a mobile tracking device in or on the motor vehicle of another person without the knowledge and consent of an owner or lessor of the motor vehicle . ~~[, unless the person is a law enforcement officer who]~~ This prohibition does not apply to a law enforcement agency that installs, conceals or otherwise places a mobile tracking device in or on a motor vehicle ~~[pursuant to a warrant or court order.]~~ in accordance with all applicable requirements of the United States Constitution, the Nevada Constitution and the laws of this State. This bill provides that a person who commits any such offense is guilty of: (1) for the first offense, a misdemeanor; (2) for the second offense, a gross misdemeanor; or (3) for the third or any subsequent offense, a category C felony.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person commits the crime of unlawful installation of a mobile tracking device if the person knowingly installs, conceals or otherwise places a mobile tracking device in or on the motor vehicle of another person without the knowledge and consent of an owner or lessor of the motor vehicle.

2. The provisions of subsection 1 do not apply to a law enforcement ~~[officer who]~~ agency that installs, conceals or otherwise places a mobile tracking device in or on a motor vehicle ~~[pursuant to a warrant or court order.]~~ in accordance with all applicable requirements of the United States Constitution, the Nevada Constitution and the laws of this State.

3. A person who commits the crime of unlawful installation of a mobile tracking device is guilty of:

(a) For the first offense, a misdemeanor.

(b) For the second offense, a gross misdemeanor.

(c) For the third or any subsequent offense, a category C felony and shall be punished as provided in NRS 193.130.

4. As used in this section, "mobile tracking device" means any device that permits a person to track the movement or location of another person or object through the transmission of any signal, including, without limitation, a radio or electronic signal.

Sec. 2. This act becomes effective on July 1, 2023.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 608 to Assembly Bill No. 356 changes the term "law enforcement officer" to "law enforcement agency" and adds language setting forth that the provisions of the bill do not apply to a law enforcement agency that installs, conceals or otherwise places a mobile tracking device in or on a motor vehicle "in accordance with all applicable requirements of the United States Constitution, the Nevada Constitution and the laws of this State."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 423.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 560.

SUMMARY—Revises provisions governing meetings of a board of trustees of a school district. (BDR 34-847)

AN ACT relating to the boards of trustees of school districts; restricting, with certain exceptions, the time of day during which the board of trustees of a school district may take action or corrective action at a regular or special meeting; ~~[authorizing, under certain circumstances, the board of trustees to~~

~~restrict certain public comment at a regular or special meeting;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that a public body such as the board of trustees of a school district give notice of its meetings by: (1) posting an agenda consisting of a list describing the items on which action may be taken by the public body; and (2) clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, under certain circumstances, by placing the term "for possible corrective action" next to the appropriate item. (NRS 241.015, 241.020) Existing law sets forth certain requirements and procedures for meetings of the board of trustees of a school district, including, without limitation: (1) a requirement that the board of trustees hold a regular meeting at least once each month; and (2) the authority for the president of the board of trustees to call special meetings under certain circumstances. (NRS 386.330) Section 1 of this bill prohibits, except in an emergency that impacts the school district, the board of trustees of a school district from taking any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to the Open Meeting Law after 11:59 p.m. on the day of the meeting. Section 1 further provides that if the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees: (1) schedules the delayed agenda item at a future meeting; or (2) waits at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

~~[The United States Constitution and the Nevada Constitution protect the freedom of speech but a public body may, under certain circumstances, limit speech at a public meeting. (U.S. Const. Amend. I; Nev. Const. Art. 1, § 9; Minnesota State Bd. for Community Colleges v. Knight, 465 U.S. 271, 281-85 (1984); White v. City of Norwalk, 900 F.2d 1421, 1425 (9th Cir. 1990)) Under existing case law, a public body may: (1) impose reasonable time, place and manner restrictions that are viewpoint neutral and maintain decorum and order; and (2) limit public comment that is not relevant to or within the authority of the public body. (Norwalk at 1425; Reza v. Pearce, 806 F.3d 497, 503-04 (9th Cir. 2015); see also OMLO 2001-22 (12-17-2002); Nevada Open Meeting Law Manual, § 8.05 (11th ed. 2012)) However, existing case law prohibits a public body from restricting public comment that is slanderous or offensive unless such public comment causes an actual disturbance at the meeting. (Acosta v. City of Costa Mesa, 718 F.3d 800, 813 (9th Cir. 2013)) Consistent with existing case law, the Open Meeting Law authorizes the removal from a meeting of a public body any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. (NRS 241.030) Section 1 authorizes a board of trustees of a school district, consistent with existing case~~

~~law, to restrict public comment at a regular meeting or special meeting if the public comment: (1) is a topic that is not relevant to or within the authority of the board of trustees; or (2) is willfully disruptive of the meeting by being slanderous or offensive.]~~

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

Section 1. NRS 386.330 is hereby amended to read as follows:

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

6. Except in an emergency that impacts the school district, the board of trustees shall not take any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to chapter 241 of NRS after 11:59 p.m. on the day of the meeting. If the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees:

(a) Schedules the delayed agenda item at a future meeting by placing the item on its agenda for the future meeting pursuant to chapter 241 of NRS; or

(b) Waits until at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

7. ~~[The board of trustees may restrict public comment at a regular meeting or special meeting if the public comment:~~

~~(a) Is a topic that is not relevant to or within the authority of the board of trustees; or~~

~~(b) Is willfully disruptive of the meeting by being slanderous or offensive.~~

~~8.]~~ As used in this section, "emergency" has the meaning ascribed to it in NRS 241.020.

Sec. 2. This act becomes effective on July 1, 2023.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 560 to Assembly Bill No. 423 removes the provision allowing the board of trustees of a school district to restrict public comment in certain circumstances.

Amendment adopted.

The following amendment was proposed by Senator Doñate.

Amendment No. 674.

SUMMARY—Revises provisions governing ~~[meetings of a board]~~ boards of trustees of ~~[a]~~ school ~~[district.]~~ districts. (BDR 34-847)

AN ACT relating to the boards of trustees of school districts; prohibiting a board of trustees of a school district from adopting certain policies; restricting, with certain exceptions, the time of day during which the board of trustees of a school district may take action or corrective action at a regular or special meeting; authorizing, under certain circumstances, the board of trustees to restrict certain public comment at a regular or special meeting; providing an administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides each board of trustees of a school district, with certain exceptions, with such reasonable and necessary powers as required to promote the welfare of school children. (NRS 386.350) Section 1 of this bill prohibits a board of trustees from adopting a policy that limits the access of a pupil to school facilities or activities because of race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status or sex. Section 1 further authorizes the Department of Education to impose an administrative penalty against a board of trustees that adopts such a policy.

The Open Meeting Law requires that a public body such as the board of trustees of a school district give notice of its meetings by: (1) posting an agenda consisting of a list describing the items on which action may be taken by the public body; and (2) clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, under certain circumstances, by placing the term "for possible corrective action" next to the appropriate item. (NRS 241.015, 241.020) Existing law sets forth certain

requirements and procedures for meetings of the board of trustees of a school district, including, without limitation: (1) a requirement that the board of trustees hold a regular meeting at least once each month; and (2) the authority for the president of the board of trustees to call special meetings under certain circumstances. (NRS 386.330) Section ~~[1]~~ 1.5 of this bill prohibits, except in an emergency that impacts the school district, the board of trustees of a school district from taking any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to the Open Meeting Law after 11:59 p.m. on the day of the meeting. Section ~~[1]~~ 1.5 further provides that if the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees: (1) schedules the delayed agenda item at a future meeting; or (2) waits at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

The United States Constitution and the Nevada Constitution protect the freedom of speech but a public body may, under certain circumstances, limit speech at a public meeting. (U.S. Const. Amend. I; Nev. Const. Art. 1, § 9; *Minnesota State Bd. for Community Colleges v. Knight*, 465 U.S. 271, 281-85 (1984); *White v. City of Norwalk*, 900 F.2d 1421, 1425 (9th Cir. 1990)) Under existing case law, a public body may: (1) impose reasonable time, place and manner restrictions that are viewpoint neutral and maintain decorum and order; and (2) limit public comment that is not relevant to or within the authority of the public body. (*Norwalk* at 1425; *Reza v. Pearce*, 806 F.3d 497, 503-04 (9th Cir. 2015); *see also* OMLO 2001-22 (12-17-2002); *Nevada Open Meeting Law Manual*, § 8.05 (11th ed. 2012)) However, existing case law prohibits a public body from restricting public comment that is slanderous or offensive unless such public comment causes an actual disturbance at the meeting. (*Acosta v. City of Costa Mesa*, 718 F.3d 800, 813 (9th Cir. 2013)) Consistent with existing case law, the Open Meeting Law authorizes the removal from a meeting of a public body any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. (NRS 241.030) Section ~~[1]~~ 1.5 authorizes a board of trustees of a school district, consistent with existing case law, to restrict public comment at a regular meeting or special meeting if the public comment: (1) is a topic that is not relevant to or within the authority of the board of trustees; or (2) is willfully disruptive of the meeting by being slanderous or offensive.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of trustees shall not adopt a policy that limits the access of a pupil because of race, religious creed, color, national origin, disability, sexual

orientation, gender identity or expression, ancestry, familial status or sex, to school facilities or activities.

2. If the Department finds that a board of trustees adopts a policy that violates the provisions of subsection 1, the Department may impose an administrative penalty of not more than $5,000 for each day that the policy is in effect.

~~[Section 1.]~~ *Sec. 1.5.* NRS 386.330 is hereby amended to read as follows:

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

6. Except in an emergency that impacts the school district, the board of trustees shall not take any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to chapter 241 of NRS after 11:59 p.m. on the day of the meeting. If the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees:

(a) Schedules the delayed agenda item at a future meeting by placing the item on its agenda for the future meeting pursuant to chapter 241 of NRS; or

(b) Waits until at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

7. The board of trustees may restrict public comment at a regular meeting or special meeting if the public comment:

(a) Is a topic that is not relevant to or within the authority of the board of trustees; or

(b) Is willfully disruptive of the meeting by being slanderous or offensive.

8. As used in this section, "emergency" has the meaning ascribed to it in NRS 241.020.

Sec. 2. This act becomes effective on July 1, 2023.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 674 to Assembly Bill No. 423 prohibits the board of trustees from a school district from adopting a policy that limits a pupil's access to activities based on race, religion, color, national origin, disability and provides for an administrative penalty for such violations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 456.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 2 and 3; Assembly Bills Nos. 2, 19, 21, 24, 40, 43, 47 and 73; Senate Joint Resolution No. 7 of the 81st Legislative Session; and Assembly Joint Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Buck, the privilege of the floor of the Senate Chamber for this day was extended to Stephanie Garcia-Vause, Olivia Vause, Varida Yeh and Lily Yeh.

On request of Senator Lange, the privilege of the floor of the Senate Chamber for this day was extended to Jeremy Renner.

On request of Senator Scheible, the privilege of the floor of the Senate Chamber for this day was extended to Erin Shasser and Valentina Ossio-Marin.

Senator Lange moved that the Senate adjourn until Tuesday, May 23, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 8:32 p.m.

Approved: STAVROS ANTHONY
President of the Senate

Attest: BRENDAN BUCY
Secretary of the Senate