SUMMARY—Makes various changes relating to the Office of the Military. (BDR 36-155)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: May have Fiscal Impact.

Effect on the State Highway Fund: No.

AN ACT relating to the military; changing the name of the Office of the Military to the Department of the Military; changing references to Office regulations to Department regulations; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes the Office of the Military and requires the Office, under direction of the Governor, to supervise the military affairs of this State. (NRS 412.064) **Section 6** of this bill changes the name of the Office to the Department of the Military. **Sections 1, 2, 4, 7-16, 18, 19, 25-27, 38 and 52-60** of this bill replace references to the Office of the Military with references to the Department of the Military.

Existing law provides that the forces of the Nevada National Guard must be organized, armed, disciplined, governed, administrated and trained as prescribed by Office regulations, in addition to applicable federal laws and other regulations. (NRS 412.116) **Sections 2-5, 17-24, 28-37 and 39-51** of this bill replace references to "Office regulations" with references to "Department regulations."



**COMMITTEE INTRODUCTION REQUIRED**

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

**Section 1.** NRS 412.014 is hereby amended to read as follows:

412.014 ~~["Office"]~~ ***"Department"*** means the ~~[Office]~~ ***Department*** of the Military, including, without limitation, the Nevada Army National Guard and the Nevada Air National Guard.

**Sec. 2.** NRS 412.016 is hereby amended to read as follows:

412.016 ~~["Office]~~ ***"Department*** regulations" means regulations issued by the Governor and regulations adopted by the ~~[Office]~~ ***Department*** of the Military subject to the approval of the Governor.

**Sec. 3.** NRS 412.036 is hereby amended to read as follows:

412.036 All matters relating to the organization, discipline and government of the Nevada National Guard not otherwise provided for in this chapter or in ~~[Office]~~ ***Department*** regulations must be decided by the custom and usage of the United States Army or United States Air Force, respectively.

**Sec. 4.** NRS 412.048 is hereby amended to read as follows:

412.048 The Adjutant General shall serve as the Chief of Staff to the Governor, the Director of the ~~[Office]~~ ***Department*** of the Military and the Commander of the Nevada National Guard, and:

1. Is responsible, under the direction of the Governor, for the supervision of all matters pertaining to the administration, discipline, mobilization, organization and training of the Nevada National Guard, reservists of the Nevada National Guard and volunteer military organizations licensed by the Governor.

2. Shall perform all duties required of him or her by the laws of the United States and of the State of Nevada, and the regulations issued thereunder.

3. Shall employ such deputies, assistants and other personnel as he or she deems necessary to assist in the performance of those duties required of the Adjutant General as Director of the ~~[Office.]~~ ***Department.*** The Adjutant General may so employ either members of the Nevada National Guard or civilian personnel. The duties of all deputies, assistants and other personnel appointed must be prescribed by ~~[Office]~~ ***Department*** regulations. All such employees are in the unclassified service of the State except civilian, clerical, administrative, maintenance and custodial employees who are in the classified service of the State.

**Sec. 5.** NRS 412.054 is hereby amended to read as follows:

412.054 1. The Adjutant General may appoint:

(a) A Deputy Adjutant General from the Nevada Army National Guard or the Nevada Air National Guard; and

(b) Two Assistant Adjutants General, one each from the Nevada Army National Guard and the Nevada Air National Guard.

2. The Deputy Adjutant General and Assistant Adjutants General serve at the pleasure of the Adjutant General or until relieved by reason of resignation, withdrawal of federal recognition or for cause to be determined by a court-martial.

3. To be eligible for appointment to the office of Deputy Adjutant General or Assistant Adjutant General, a person must be an officer of the Nevada National Guard and be federally recognized in the grade of colonel or higher and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer.

4. The Deputy Adjutant General or an Assistant Adjutant General may be appointed in the grade of colonel or higher, but not exceeding that of brigadier general. The Deputy Adjutant General or an Assistant Adjutant General may be promoted by the Governor to any grade not exceeding that of brigadier general.

5. The Deputy Adjutant General and Assistant Adjutants General shall perform such duties as may be assigned by the Adjutant General.

6. The Deputy Adjutant General is in the unclassified service of the State and, except as otherwise provided in NRS 284.143, shall not hold any other city, county, state or federal office of profit.

7. In the event of the absence or inability of the Adjutant General to perform his or her duties, the Adjutant General shall designate by ~~[Office]~~ ***Department*** regulations:

(a) The Deputy Adjutant General to perform the duties of the Adjutant General as Acting Adjutant General.

(b) If the Deputy Adjutant General is unavailable, one of the Assistant Adjutants General to perform the duties of the Adjutant General as Acting Adjutant General.

(c) If the Deputy Adjutant General and the Assistant Adjutants General are not available, any national guard officer to perform the duties of the Adjutant General as Acting Adjutant General.

➥ The designated Deputy Adjutant General, designated Assistant Adjutant General or designated officer may continue to receive his or her authorized salary while so serving as Acting Adjutant General, and shall so serve until the Adjutant General is again able to perform the duties of the office, or if the office is vacant, until an Adjutant General is regularly appointed and qualified.

**Sec. 6.** NRS 412.064 is hereby amended to read as follows:

412.064 1. The ~~[Office]~~ ***Department*** of the Military is hereby established. The ~~[Office,]~~ ***Department,*** under the direction of the Governor, shall supervise the military affairs of the State.

2. The ~~[Office]~~ ***Department*** shall adopt, subject to the approval of the Governor, necessary regulations for the organization, government, armament, equipment, training and compensation of the militia of the State in conformity with the provisions of this chapter and the laws of the United States.

3. The ~~[Office]~~ ***Department*** shall make such changes in the military organization of the Nevada National Guard as are necessary from time to time to conform to the requirements of the laws of the United States and the directives of the National Guard Bureau.

4. The ~~[Office]~~ ***Department*** shall fix the location of the units and headquarters of the Nevada National Guard, and shall, subject to the approval of the National Guard Bureau, transfer, attach,

consolidate or inactivate any organization or unit when in its judgment the efficiency of the present organization will be increased thereby.

5. The ~~[Office]~~ ***Department*** may establish and continue awards and decorations and approve the design therefor, which must conform to the requirements of the laws of the United States and the directives of the National Guard Bureau.

**Sec. 7.** NRS 412.066 is hereby amended to read as follows:

412.066 The enumeration of duties and functions in NRS 412.064 to 412.109, inclusive, shall not be deemed exclusive nor construed as a limitation on the powers and authorities vested in the ~~[Office]~~ ***Department*** by other provisions of law.

**Sec. 8.** NRS 412.068 is hereby amended to read as follows:

412.068 1. The ~~[Office]~~ ***Department*** is under the supervision and control of the Adjutant General, who shall also serve as Director of the ~~[Office.]~~ ***Department.***

2. The Adjutant General is responsible for the performance of the duties imposed upon the ~~[Office,]~~ ***Department,*** and for such other duties as may be prescribed by this chapter or by the Governor.

**Sec. 9.** NRS 412.072 is hereby amended to read as follows:

412.072 The Adjutant General shall organize and reorganize the ~~[Office]~~ ***Department*** as necessary to the accomplishment of its functions and duties. Such organization or reorganization must be approved by the Governor before it is carried out.

**Sec. 10.** NRS 412.076 is hereby amended to read as follows:

412.076 1. Members of the militia of the State who are ordered to state active duty under the provisions of this chapter shall be deemed to be temporary employees of the State for the purposes of subsection 9 of NRS 286.297.

2. Regular employees of the ~~[Office]~~ ***Department*** may be ordered to state active duty under this chapter without jeopardizing their status as regular employees. Employees so ordered must be in an authorized leave status from their regular military office employment during the period served on active duty.

**Sec. 11.** NRS 412.082 is hereby amended to read as follows:

412.082 Unless otherwise specially provided in this chapter, the State Controller shall draw warrants on the State Treasury for all authenticated bills of the ~~[Office]~~ ***Department*** as approved by the Adjutant General or the person designated by the Adjutant General, in favor of the persons to whom the State is indebted for military purposes.

**Sec. 12.** NRS 412.088 is hereby amended to read as follows:

412.088 1. The ~~[Office]~~ ***Department*** may adopt and provide suitable medals, prizes or other awards for the promotion of rifle practice by duly organized rifle clubs of the Nevada Firearms Coalition and organizations and members of the Nevada National Guard when funds are available and appropriated by the State or the Federal Government.

2. The Adjutant General shall encourage and promote rifle and pistol practice by Nevada clubs affiliated with the National Rifle Association of America, and select and appoint representatives from those clubs to attend the annual national rifle and pistol matches. Not more than $1,000 of the amount appropriated for the support of the Adjutant General's office may be

used annually in the purchase of ammunition to be used by such rifle clubs, which ammunition must be sold at cost plus transportation charges.

**Sec. 13.** NRS 412.094 is hereby amended to read as follows:

412.094 1. The ~~[Office]~~ ***Department*** has control of armories and shall prescribe the regulations governing armories. All state and United States property must, if possible, be kept in armories and the commanders of troops using the armories are responsible for the safekeeping and proper care of such property and its protection against damage, misappropriation or loss. Armories, while occupied by troops, shall be deemed to be military posts under the exclusive jurisdiction of the officer commanding the post.

2. Any property licensed or leased to the State by the Federal Government for military use is under the control of the ~~[Office.]~~ ***Department.***

**Sec. 14.** NRS 412.096 is hereby amended to read as follows:

412.096 The Adjutant General may, within the limits of money appropriated or authorized to be expended, for the support of the ~~[Office,]~~ ***Department,*** purchase insurance against loss or mysterious disappearance of equipment or supplies.

**Sec. 15.** NRS 412.102 is hereby amended to read as follows:

412.102 1. The ~~[Office]~~ ***Department*** shall provide and maintain armories suitable for conducting drills and the safekeeping of federal military property, with light, water and heat, for the units of the Nevada National Guard organized in the several counties of the State.

2. The expenses of procuring and maintaining the armories, and the monthly allowance to cover incidental expenses which may be incurred by each unit, may be paid from the appropriation for the support of the Nevada National Guard or from other available money.

**Sec. 16.** NRS 412.104 is hereby amended to read as follows:

412.104 The ~~[Office]~~ ***Department*** may reconvey to any municipal corporation or other political subdivision of this state any lands that have been or may be conveyed by such subdivision to the State of Nevada for the use of the Nevada National Guard when the ~~[Office]~~ ***Department*** determines that such lands are no longer necessary for the use of the Nevada National Guard.

**Sec. 17.** NRS 412.106 is hereby amended to read as follows:

412.106 An armory may be used by a member or unit of the Nevada National Guard, veterans' organization, any federal, state or local governmental entity or any other person, if the use:

1. Does not interfere with the use of the facility by the Nevada National Guard;

2. Does not result in the risk of:

(a) A breach of the peace;

(b) Harm to persons; or

(c) Harm to state or federal property; and

3. Is in accordance with ~~[Office]~~ ***Department*** regulations issued pursuant to this chapter.

**Sec. 18.** NRS 412.108 is hereby amended to read as follows:

412.108 1. The person or governmental entity applying for the rental of an armory or space within an armory must execute and deliver a written agreement which must include among its provisions:

(a) The full name and address of the applicant;

(b) The purpose for which its use is desired;

(c) The nature and manner of the intended use of the space;

(d) A reasonable rental, which may include a security deposit, to be paid for that use; and

(e) The amounts to be paid for heating, lighting, janitorial and other services connected with its use.

2. The terms and provisions of the agreement must be governed by ~~[Office]~~ ***Department*** regulations issued pursuant to this chapter, which regulations must include provisions designed to prevent unfair competition with privately owned property and business.

3. No agreement for use made pursuant to subsection 1 is effective until the agreement or lease has been approved and executed by the officer in charge of the armory or the officer's authorized representative, and has been approved by his or her military superiors as prescribed by ~~[Office]~~ ***Department*** regulations issued pursuant to this chapter.

4. No agreement or lease made pursuant to subsection 1 may be assigned in whole or in part nor may space be sublet to or used by a person or entity not a party to the agreement, unless each assignment, subletting or use is first approved in writing by the officer in charge of the armory or the officer's authorized representative.

5. All money paid or given, directly or indirectly, for the rental of an armory or to obtain an agreement or permission to use the armory are use fees within the meaning of this section and must be paid to the officer in charge of the armory or the officer's authorized representative. Any person other than the officer in charge of the armory or the officer's authorized representative who

receives that money shall immediately pay over the money to the officer in charge of the armory or the officer's authorized representative, who shall immediately forward the money to the office of the Adjutant General to be placed in an account in the State General Fund entitled the Adjutant General's Special Armory Account, to be used by the ~~[Office]~~ ***Department*** to:

(a) Make necessary repairs and improvements of state armories;

(b) Construct new facilities;

(c) Fund military activities and affairs;

(d) Further relations with the community in which the armory is located; and

(e) Further relations with the State.

6. The expenditures made pursuant to subsection 5 must be made according to ~~[Office]~~ ***Department*** regulations and must be approved by a board of three persons appointed by the Adjutant General.

7. When the use of an armory is by a federal, state, county or municipal bureau, agency or department or by any of the Armed Forces of the United States or any of the reserve components thereof, or by any unit of the reserve officers training corps, the Adjutant General may require the execution of a contract or agreement for that use, upon such terms and conditions as he or she prescribes.

**Sec. 19.** NRS 412.109 is hereby amended to read as follows:

412.109 1. Except as otherwise provided in NRS 412.108, the person or governmental entity applying for the rental of any facility of the ~~[Office]~~ ***Department*** must execute and deliver a written agreement which must include among its provisions:

(a) The full name and address of the applicant;

(b) The purpose for which its use is desired;

(c) The nature and manner of the intended use of the space;

(d) A reasonable rental, which may include a security deposit, to be paid for that use; and

(e) The amounts to be paid for heating, lighting, janitorial and other services connected with its use.

2. The terms and provisions of the agreement must be governed by ~~[Office]~~ ***Department*** regulations issued pursuant to this chapter, which regulations must include provisions designed to prevent unfair competition with privately owned property and business.

3. No agreement for use made pursuant to subsection 1 is effective until the agreement or lease has been approved and executed as prescribed by ~~[Office]~~ ***Department*** regulations issued pursuant to this chapter.

4. No agreement or lease made pursuant to subsection 1 may be assigned in whole or in part nor may space be sublet to or used by a person or entity not a party to the agreement, unless each assignment, subletting or use is first approved in writing by the ~~[Office.]~~ ***Department.***

5. All money paid or given, directly or indirectly, for the rental of a facility or to obtain an agreement or permission to use the facility are use fees within the meaning of this section and must be paid to the ~~[Office]~~ ***Department*** to be deposited in the State General Fund for credit to the ~~[Office.]~~ ***Department.***

6. When the use of a facility is by a federal, state, county or municipal bureau, agency or department or by any of the Armed Forces of the United States or any of the reserve components

thereof, or by any unit of the reserve officers training corps, the Adjutant General may require the execution of a contract or agreement for that use, upon such terms and conditions as he or she prescribes.

**Sec. 20.** NRS 412.116 is hereby amended to read as follows:

412.116 1. The forces of the Nevada National Guard must be organized, armed, disciplined, governed, administered and trained as prescribed by applicable federal laws and regulations and ~~[Office]~~ ***Department*** regulations.

2. It hereby is declared to be the policy of the State that there must be an equality of treatment and opportunity for all persons in the Nevada National Guard without regard to race, creed, color, gender, sexual orientation, gender identity or expression, or national origin.

**Sec. 21.** NRS 412.118 is hereby amended to read as follows:

412.118 Members and units of the Nevada National Guard shall assemble for training and shall participate in field training periods and active duty for training periods, maneuvers, schools, conferences or other similar duties at such times and places as are prescribed therefor by applicable federal laws and regulations and ~~[Office]~~ ***Department*** regulations. In addition to these periods, the commander of any organization may require the officers, warrant officers and enlisted personnel of his or her command to meet for ceremonies, parades or training at such times and places as he or she may appoint.

**Sec. 22.** NRS 412.122 is hereby amended to read as follows:

412.122 1. The Governor may in case of invasion, disaster, insurrection, riot, breach of the peace, or imminent danger thereof, or other substantial threat to life or property, or upon a request

for assistance from a political subdivision or governmental utility, as defined in NRS 239C.050, that has experienced a significant cybersecurity incident, order into active service of the State for such a period, to such an extent and in such a manner as he or she deems necessary all or any part of the Nevada National Guard. The authority of the Governor includes the power to order the Nevada National Guard or any part thereof to function under the operational control of the United States Army, Navy or Air Force commander in charge of the defense of any area within the State which is invaded or attacked or is or may be threatened with invasion or attack.

2. In case of the absence of the Governor from the State, or if it is impossible to communicate immediately with the Governor, the civil officer making a requisition for troops may, if the civil officer deems the necessity imminent and not admitting of delay, serve a copy of the requisition, together with a statement of the Governor's absence or the impossibility of immediately communicating with the Governor, upon the following officers in this order:

(a) Lieutenant Governor;

(b) Adjutant General; and

(c) Other officers designated in a chain of command prescribed by ~~[Office]~~ ***Department*** regulations.

➥ If the call is afterward disapproved by the Governor, the troops called into service must be disbanded immediately.

3. The Governor may order into active service of the State for such a period, to such an extent and in such a manner as the Governor deems necessary units or individual members of the Nevada National Guard when in his or her judgment the services of the units or members are required for:

(a) The furtherance of the organization, maintenance, discipline or training of the Nevada National Guard;

(b) The welfare of the public; or

(c) Ceremonial functions of the State Government.

4. Whenever any portion of the Nevada National Guard is employed pursuant to subsection 1, the Governor, if in his or her judgment the maintenance of law and order will thereby be promoted, may by proclamation declare the county or city in which the troops are serving, or any specified portion thereof, to be under martial law.

**Sec. 23.** NRS 412.128 is hereby amended to read as follows:

412.128 1. Whenever the Governor deems it necessary in time of peace, the Governor may call all or any part of the reservists of the Nevada National Guard or volunteer military organizations licensed by the Governor into active service to be organized pursuant to ~~[Office]~~ ***Department*** regulations to augment the Nevada National Guard as an internal security force.

2. In time of war, the Governor may call all or any part of the reservists of the Nevada National Guard or volunteer military organizations licensed by the Governor into active service to be organized pursuant to ~~[Office]~~ ***Department*** regulations to replace the Nevada National Guard as a state force when the Nevada National Guard is ordered into federal service.

3. Whenever laws of the United States authorize the organization of such state forces under federal recognition, the Governor or Adjutant General may promulgate such ~~[Office]~~ ***Department*** regulations as are necessary to comply with such federal laws and obtain federal recognition for the force authorized by this section.

**Sec. 24.** NRS 412.134 is hereby amended to read as follows:

412.134 1. Reservists and volunteers called out for duty must be mustered at once into the service of the State for such period as the Governor directs, not exceeding the limits provided by NRS 412.188.

2. Except as otherwise expressly provided by ~~[Office]~~ ***Department*** regulations, all the military forces must be organized as prescribed for organization of the Nevada National Guard at the time, and must be officered, equipped, trained and commanded according to the laws and regulations governing the Nevada National Guard, as nearly as practicable, and all laws relating to the Nevada National Guard or to the duties, rights, privileges or immunities of the members thereof shall apply to and govern the other military forces and the members thereof, so far as applicable, but the age limits for initial appointment of officers in the federally recognized National Guard do not apply to officers of the other military forces.

3. The pay and allowances of the officers and enlisted personnel of all branches of the military forces on active duty in the service of the State must be the same as provided for the Nevada National Guard when on such duty.

4. The Governor may receive from the Federal Government any arms, equipment, munitions, supplies and other grants for the use of the military forces of the State that may be available.

5. The military forces must be uniformed in such manner as the Governor may prescribe, subject to federal laws or regulations and ~~[Office]~~ ***Department*** regulations.

**Sec. 25.** NRS 412.1393 is hereby amended to read as follows:

412.1393 1. Any member of the Nevada National Guard or the National Guard of another state who believes his or her employment was terminated in violation of NRS 412.139 may, within 60 days after receiving a notice of termination, request a hearing before the Labor Commissioner to determine if his or her employment was so terminated.

2. The ~~[Office]~~ ***Department*** shall supply the member with all forms needed to request such a hearing. The Labor Commissioner shall conduct the hearing in the manner provided in NRS 607.205 to 607.220, inclusive.

3. Notwithstanding any other provision of law, if for any reason the Labor Commissioner does not determine that the employment of the member was terminated in violation of NRS 412.139, the member may, within 120 days after receiving a notice of termination, bring a civil action in any district court in this State against his or her employer seeking such a determination.

**Sec. 26.** NRS 412.1435 is hereby amended to read as follows:

412.1435 1. The Patriot Relief Account is hereby created as a special account in the State General Fund.

2. The money in the Patriot Relief Account does not lapse to the State General Fund at the end of any fiscal year. The interest and income earned on the sum of:

(a) The money in the Patriot Relief Account, after deducting any applicable charges; and

(b) Unexpended appropriations made to the Patriot Relief Account from the State General Fund,

➥ must be credited to the Account. All claims against the Patriot Relief Account must be paid as other claims against the State are paid.

3. The ~~[Office]~~ ***Department*** may accept gifts, grants and donations from any source for deposit in the Patriot Relief Account.

4. To the extent money is available from legislative appropriation or otherwise in the Patriot Relief Account, the money in the Patriot Relief Account may only be used to provide:

(a) Reimbursement to a member of the Nevada National Guard for the cost of:

(1) Premiums on a policy of group life insurance purchased pursuant to the provisions of 38 U.S.C. §§ 1965 et seq.; or

(2) Textbooks required for a course of study in which the member is enrolled at an institution within the Nevada System of Higher Education; and

(b) Monetary relief from economic hardships experienced by a member of the Nevada National Guard.

5. The Adjutant General shall adopt any regulations necessary to determine eligibility for reimbursement or monetary relief from the Patriot Relief Account and to carry out a program to provide such reimbursement and monetary relief.

**Sec. 27.** NRS 412.1555 is hereby amended to read as follows:

412.1555 1. There is hereby created the Nevada War on Terrorism Medal.

2. The ~~[Office]~~ ***Department*** shall award the Nevada War on Terrorism Medal to:

(a) A member of the Reserves who is a resident of this State or a member of the Nevada National Guard who:

(1) Is called into active duty in the Armed Forces of the United States on or after September 11, 2001, in support of the global war on terrorism; and

(2) Serves on state active duty status or pursuant to Title 10 or 32 of U.S.C.

(b) A civilian employee of a state or local governmental agency or the Nevada National Guard who, during the course of employment, provides services in support of the global war on terrorism and who qualifies for the medal pursuant to criteria established by the ~~[Office]~~ ***Department*** pursuant to subsection 3.

3. The ~~[Office]~~ ***Department*** shall:

(a) Establish a suitable design for the medal, including a ribbon, badge or other insignia to be worn with or in place of the medal.

(b) Procure the manufacture of the medal, ribbon, badge or other insignia.

(c) If the recipient is a member of the Nevada National Guard, ensure that award of the medal is properly reflected in the service records of the recipient.

(d) Establish procedures to identify members of the Reserves entitled to award of the medal.

(e) Adopt regulations to carry out the provisions of this section. The regulations must include, without limitation:

(1) Rules for wearing the medal, ribbon, badge or other insignia with the uniform of the Nevada National Guard;

(2) Provisions for the posthumous award of a medal; and

(3) Criteria for determining those persons who are entitled to an award of the medal.

4. As used in this section, "Reserves" means the Air Force Reserve, Army Reserve, Coast Guard Reserve, Marine Corps Reserve and Navy Reserve.

**Sec. 28.** NRS 412.158 is hereby amended to read as follows:

412.158 The provisions of this chapter relating to commissioned officers apply to warrant officers, except that warrant officers who have been absent without leave may be discharged as prescribed by applicable federal laws and regulations and ~~[Office]~~ ***Department*** regulations.

**Sec. 29.** NRS 412.162 is hereby amended to read as follows:

412.162 The Nevada Military Academy is hereby created, to consist of supervisory personnel as authorized by the National Guard Bureau and such number of cadets as meets the qualifications and requirements of the State of Nevada as set forth in ~~[Office]~~ ***Department*** regulations.

**Sec. 30.** NRS 412.164 is hereby amended to read as follows:

412.164 1. No person may be appointed or promoted as a commissioned officer of the Nevada National Guard unless he or she has passed such examination as to his or her physical, moral and professional qualifications as may be prescribed by applicable federal laws and regulations and ~~[Office]~~ ***Department*** regulations.

2. No person may be recognized as a commissioned officer of the Nevada National Guard and no appointment as such may become effective until he or she has taken and subscribed to the oath of office prescribed in NRS 412.166. The oath may be administered and certified by any commissioned officer of the Nevada National Guard, or other person authorized to administer oaths under the laws of the State of Nevada, and no charge may be made for that act.

**Sec. 31.** NRS 412.168 is hereby amended to read as follows:

412.168 1. Commissioned officers may be assigned, reassigned, transferred or detailed to and from units within the Nevada National Guard as prescribed by applicable federal laws and regulations and ~~[Office]~~ ***Department*** regulations.

2. An officer must reside within reasonable commuting distance of the station to which the officer's unit is assigned. The Adjutant General shall determine what constitutes a reasonable distance in all cases of doubt.

**Sec. 32.** NRS 412.172 is hereby amended to read as follows:

412.172 1. A commissioned officer of the Nevada National Guard may tender his or her resignation at any time. A resignation must be tendered in writing through proper military channels in accordance with applicable federal laws and regulations and ~~[Office]~~ ***Department*** regulations. A resignation takes effect when properly accepted and announced in orders.

2. A commissioned officer desiring to accept an appointment or to enlist in the active Army, Navy, Air Force, Marine Corps or Coast Guard of the United States or a reserve component thereof must first obtain a conditional release from his or her commander. A conditional release must be issued in accordance with this chapter and ~~[Office]~~ ***Department*** regulations, and must include certification that the officer is properly cleared of his or her responsibility for all state and United States property and public money, and that he or she is not indebted to the State or to the organization to which the officer belongs. An officer so released shall be deemed to have resigned upon presentation of evidence that the officer has accepted an appointment or enlisted in the force to which released, and the resignation must be announced in orders.

3. No officer is entitled to resign his or her commission who is under arrest, suspension or who is under orders to be returned to any military court for delinquency.

**Sec. 33.** NRS 412.178 is hereby amended to read as follows:

412.178 Efficiency and medical examining boards appointed by the Governor hereby are vested with the powers of courts of inquiry and courts-martial. Such boards shall follow the practice and procedure prescribed by applicable federal laws and regulations and ~~[Office]~~ ***Department*** regulations. Any officer ordered to appear before such a board is entitled to appear in person or by counsel, to cross-examine witnesses and to call witnesses on his or her behalf. He or she is entitled at all stages of the proceeding to full access to records pertinent to his or her case and to be furnished copies of such records. Failure to appear before such examining board is sufficient ground for a finding by such board that the officer ordered to appear be discharged from the service of the State. If the findings of such board are unfavorable to an officer and are approved as provided by applicable laws of the United States or this chapter, the Governor shall relieve the officer from duty and shall give the officer a discharge in such form as may be appropriate. If the discharge of an officer is recommended solely because of physical inability to perform active service, such officer may be transferred to the retired reserve if eligible.

**Sec. 34.** NRS 412.188 is hereby amended to read as follows:

412.188 1. The qualifications for enlistment and reenlistment, the periods of enlistment, reenlistment and voluntary extension of enlistment, the period of service, the form of oath to be taken and the manner and form of transfer and discharge of enlisted personnel of the Nevada National Guard must be those prescribed by applicable federal laws and regulations and ~~[Office]~~ ***Department*** regulations.

2. The Governor is authorized to extend the period of any enlistment, reenlistment, voluntary extension of enlistment or the period of service of enlisted personnel serving as reservists of the

Nevada National Guard or volunteer military organizations licensed by the Governor for a period not to exceed 6 months after the termination of an emergency declared by the Governor, the Legislature, the President or Congress.

3. Whenever the period of enlistment, reenlistment, voluntary extension of enlistment, and the period of service of enlisted personnel of the reserve components of the Armed Forces of the United States are extended, the Governor shall extend the period of any enlistment, reenlistment, voluntary extension of enlistment or the period of service of enlisted personnel in the corresponding component of the Nevada National Guard for the same period.

**Sec. 35.** NRS 412.192 is hereby amended to read as follows:

412.192 All noncommissioned officers of the Nevada National Guard must be appointed in the discretion of the appointing officer upon the nomination of the officer under whose immediate command they are to serve. Appointing officers must be designated in ~~[Office]~~ ***Department*** regulations. The appointment of a noncommissioned officer may be terminated as prescribed by those regulations.

**Sec. 36.** NRS 412.194 is hereby amended to read as follows:

412.194 When an enlisted person of the Nevada National Guard absents himself or herself without leave and there is reason to believe that he or she does not intend to return, he or she may be discharged in accordance with ~~[Office]~~ ***Department*** regulations.

**Sec. 37.** NRS 412.266 is hereby amended to read as follows:

412.266 1. Any person authorized by this Code, or by ~~[Office]~~ ***Department*** regulations issued pursuant thereto, to apprehend persons subject to this Code, any marshal of a court-martial

appointed pursuant to the provisions of this Code and any peace officer authorized to do so by law may do so upon reasonable belief that an offense has been committed and that the person apprehended committed it.

2. Commissioned officers, warrant officers and noncommissioned officers have authority to quell quarrels, frays and disorders among persons subject to this Code and to apprehend persons subject to this Code who take part therein.

**Sec. 38.** NRS 412.2675 is hereby amended to read as follows:

412.2675 1. Warrants of arrest issued pursuant to NRS 412.267 must be in substantially the following form:

State of Nevada }

}ss.

County of.....}

To the (Sheriff) (Constable) (Chief of Police) of ..... (County) (Township and County) (City and County):

.....,

(Name of person to be arrested, rank, serial number)

a member of ..... (Unit designation) Nevada National Guard, having failed or refused to report to his or her appointed place of duty at ....., you are

therefore commanded forthwith to arrest the above-named ..... and bring him or her before me at ..... The arrest may be made either during the day or at night.

Dated at .....……..... this …….....…. day of the month of ……. of the year ……

/s/ .....

(Name, rank, branch, organization,

and designation as commanding officer)

2. Fees and mileage allowed for the service of warrants must be the same as are provided by law for the service of criminal process and must be paid out of money appropriated to the ~~[Office]~~ ***Department*** of the Military, upon proper application therefor.

**Sec. 39.** NRS 412.284 is hereby amended to read as follows:

412.284 1. Under such ~~[Office]~~ ***Department*** regulations as may be prescribed under this chapter, a person on active state duty subject to this Code who is accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial.

2. When delivery under this section is made to any civil authority of a person undergoing sentence of a court-martial, the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for his or her offense must, upon the request of competent military authority, be returned to military custody for the completion of his or her sentence.

**Sec. 40.** NRS 412.286 is hereby amended to read as follows:

412.286 1. Under ~~[Office]~~ ***Department*** regulations, limitations may be placed on the powers granted by NRS 412.286 to 412.302, inclusive, with respect to the kind and amount of punishment authorized and the categories of commanding officers and warrant officers exercising command authorized to exercise those powers. Under ~~[Office]~~ ***Department*** regulations, rules may be prescribed with respect to the suspension of punishments authorized hereunder. If authorized by ~~[Office]~~ ***Department*** regulations, a commanding officer exercising general court-martial jurisdiction or an officer of general rank in command may delegate his or her powers under NRS 412.286 to 412.302, inclusive, to a principal assistant.

2. When nonjudicial punishment has been imposed for an offense, nonjudicial punishment may not again be imposed for the same offense. Administrative action can be taken for the same offense and will not be considered double punishment under the Code. For the purposes of this subsection, "same offense" means an offense that was part of a single incident or course of conduct.

3. After nonjudicial punishment has been imposed, it may not be increased, upon appeal or otherwise, unless the punishment imposed was not provided for in the Code.

4. When a commanding officer determines that nonjudicial punishment is appropriate for a particular serviceman or servicewoman, all known offenses determined to be appropriate for disposition by nonjudicial punishment and ready to be considered at that time, including, without limitation, all such offenses arising from a single incident or course of conduct, must ordinarily be considered together, rather than being made the basis for multiple punishment.

5. Nonjudicial punishment may not be imposed for any offense which was committed more than 3 years before the date of imposition of punishment, unless such 3-year limitation is waived by the accused in writing or unless the accused has filed an appeal under this Code.

6. Nothing in subsection 2 or 4 precludes a commanding officer from imposing, at one time, more than one punishment nonjudicially for the offense or offenses arising from a single incident or course of conduct authorized in the Code.

**Sec. 41.** NRS 412.302 is hereby amended to read as follows:

412.302 The Adjutant General may, by ~~[Office]~~ ***Department*** regulation, prescribe the form of records to be kept of proceedings under NRS 412.286 to 412.302, inclusive, and may also prescribe that certain categories of those proceedings must be in writing.

**Sec. 42.** NRS 412.306 is hereby amended to read as follows:

412.306 The ground force and the air force of the Nevada National Guard has court-martial jurisdiction over all persons subject to this Code. The exercise of jurisdiction by one force over personnel of another force must be in accordance with ~~[Office]~~ ***Department*** regulations.

**Sec. 43.** NRS 412.338 is hereby amended to read as follows:

412.338 Under ~~[Office]~~ ***Department*** regulations, the convening authority of a general or special court-martial or court of inquiry shall detail or employ qualified court reporters, who shall record the proceedings of and testimony taken before that court. Under like regulations the convening authority of a military court may detail or employ interpreters who shall interpret for the court.

**Sec. 44.** NRS 412.384 is hereby amended to read as follows:

412.384 1. The trial counsel, the defense counsel and the court-martial must have equal opportunity to obtain witnesses, both civilian and military and other evidence in accordance with ~~[Office]~~ ***Department*** regulations.

2. The military judge or a summary court officer may:

(a) Issue a warrant for the arrest of any accused person who, having been served with a warrant and a copy of the charges, disobeys a written order by the convening authority to appear before the court;

(b) Issue subpoenas duces tecum and other subpoenas;

(c) Enforce by attachment the attendance of witnesses and the production of books and papers; and

(d) Sentence for refusal to be sworn or to answer, as provided in actions before civil courts of the State.

3. Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence may run to any part of the State and may be executed by military personnel designated by the court-martial, or by civil officers as prescribed by the laws of the State of Nevada.

**Sec. 45.** NRS 412.404 is hereby amended to read as follows:

412.404 1. Each general and special court-martial must keep a separate record of the proceedings of the trial of each case brought before it and the record must be authenticated by the signatures of the president and the military judge. If the record cannot be authenticated by either the president or the military judge, by reason of his or her absence, it must be signed by a member

in lieu of him or her. If both the president and the military judge are unavailable, the record must be authenticated by two members. In a court-martial consisting of only a military judge, the court reporter shall authenticate the record under the same conditions which would impose such a duty on a member pursuant to this subsection.

2. A complete verbatim record of the proceedings and testimony must be prepared in each general and special court-martial case resulting in a conviction. In all other court-martial cases, the record must contain such matters as may be prescribed by regulations.

3. Each summary court-martial must keep a separate record of the proceedings in each case, and the record must be authenticated in the manner as may be prescribed by regulations.

4. A copy of the record of the proceedings of each general and special court-martial must be given to the accused as soon as it is authenticated. If a verbatim record of trial by general court-martial is not required by subsection 2, the accused may buy such a record in accordance with ~~[Office]~~ ***Department*** regulations.

**Sec. 46.** NRS 412.412 is hereby amended to read as follows:

412.412 1. Whenever a sentence of a court-martial as lawfully adjudged and approved includes a forfeiture of pay or allowances in addition to confinement not suspended, the forfeiture may apply to pay or allowances becoming due on or after the date the sentence is approved by the convening authority. No forfeiture may extend to any pay or allowances accrued before that date.

2. Any period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial but periods during which the sentence to confinement is suspended must be excluded in computing the service of the term of confinement.

~~[Office]~~ ***Department*** regulations may provide that sentences of confinement may not be executed until approved by designated officers.

3. All other sentences of courts-martial are effective on the date ordered executed.

**Sec. 47.** NRS 412.416 is hereby amended to read as follows:

412.416 1. Unless otherwise provided in ~~[Office]~~ ***Department*** regulations, a court-martial sentence of an enlisted member in a pay grade above E-1, as approved by the convening authority, that includes:

(a) A dishonorable or bad-conduct discharge; or

(b) Confinement,

↳ reduces that member to pay grade E-1, effective on the date of that approval.

2. If the sentence of a member who is reduced in pay grade under subsection 1 is set aside or disapproved, or, as finally approved, does not include punishment named in subsection 1, the rights and privileges of which the member was deprived because of that reduction must be restored to him or her and he or she is entitled to the pay and allowances to which he or she would have been entitled, for the period the reduction was in effect, had the member not been so reduced.

**Sec. 48.** NRS 412.432 is hereby amended to read as follows:

412.432 1. Except as otherwise required by this section, all records of trial and related documents must be transmitted and disposed of as prescribed by regulation and provided by law.

2. If the convening authority is the Governor, his or her action on the review of any record of trial is final.

3. In all other cases not covered by subsection 2, if the sentence of a special court-martial as approved by the convening authority includes a bad-conduct discharge, whether or not suspended, the entire record must be sent to the appropriate staff judge advocate or legal officer of the state force concerned to be reviewed in the same manner as a record of trial by general court-martial. The record and the opinion of the staff judge advocate or legal officer must then be sent to the State Judge Advocate for review.

4. All other special and summary court-martial records must be sent to the law specialist or legal officer of the appropriate force of the Nevada National Guard and must be acted upon, transmitted and disposed of as may be prescribed by ~~[Office]~~ ***Department*** regulations.

5. The State Judge Advocate shall review the record of trial in each case sent to him or her for review as provided under subsection 4. If the final action of the court-martial has resulted in an acquittal of all charges and specifications, the opinion of the State Judge Advocate must be limited to questions of jurisdiction.

6. The State Judge Advocate shall take final action in any case reviewable by him or her.

7. In a case reviewable by the State Judge Advocate under this section, the State Judge Advocate may act only with respect to the findings and sentence as approved by the convening authority. The State Judge Advocate may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as he or she finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record he or she may weigh the evidence, judge the credibility of witnesses and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses. If the State Judge Advocate sets aside

the findings and sentence, he or she may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If the State Judge Advocate sets aside the findings and sentence and does not order a rehearing, he or she shall order that the charges be dismissed.

8. In a case reviewable by the State Judge Advocate under this section, he or she shall instruct the convening authority to act in accordance with his or her decision on the review. If the State Judge Advocate has ordered a rehearing but the convening authority finds a rehearing impracticable, he or she may dismiss the charges.

9. The State Judge Advocate may order one or more boards of review each composed of not less than three commissioned officers of the Nevada National Guard, each of whom must be a member of the State Bar of Nevada. Each board of review shall review the record of any trial by special court-martial, including a sentence to a bad-conduct discharge, referred to it by the State Judge Advocate. Boards of review have the same authority on review as the State Judge Advocate has under this section.

**Sec. 49.** NRS 412.446 is hereby amended to read as follows:

412.446 1. Under ~~[Office]~~ ***Department*** regulations, all rights, privileges and property affected by an executed part of a court-martial sentence which has been set aside or disapproved, except an executed dismissal or discharge, must be restored unless a new trial or rehearing is ordered and such executed part is included in a sentence imposed upon the new trial or rehearing.

2. If a previously executed sentence of dishonorable or bad-conduct discharge is not imposed on a new trial, the Governor shall substitute therefor a form of discharge authorized for administrative issuance unless the accused is to serve out the remainder of his or her enlistment.

3. If a previously executed sentence of dismissal is not imposed on a new trial, the Governor shall substitute therefor a form of discharge authorized for administrative issue, and the commissioned officer dismissed by that sentence may be reappointed by the Governor alone to such commissioned grade and with such rank as in the opinion of the Governor that former officer would have attained had he or she not been dismissed. The reappointment of such former officer may be made if a position vacancy is available under applicable tables of organization. All time between the dismissal and the reappointment must be considered as service for all purposes.

**Sec. 50.** NRS 412.566 is hereby amended to read as follows:

412.566 1. This section and NRS 412.254, 412.2545, 412.256, 412.263, 412.266 to 412.302, inclusive, 412.332, 412.336, 412.362, 412.406, 412.452 to 412.556, inclusive, 412.568 and 412.572 must be carefully explained to every enlisted member:

(a) At the time of his or her enlistment or transfer or induction into any of the state military forces or within 30 days thereafter; and

(b) At the time of his or her being ordered to duty in or with any of the state military forces or within 30 days thereafter.

2. The sections set forth in subsection 1 must also be explained annually to each unit of the state military forces.

3. A complete text of this Code and ~~[Office]~~ ***Department*** regulations thereunder must be made available to any member of the militia, upon his or her request, for his or her personal examination.

**Sec. 51.** NRS 412.572 is hereby amended to read as follows:

412.572 1. Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that his or her property has been wrongfully taken by members of the Nevada National Guard, he or she may, subject to ~~[Office]~~ ***Department*** regulations, convene a board to investigate the complaint. The board must consist of from one to three officers and, for the purpose of that investigation, it has power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board is subject to the approval of the commanding officer, and in the amount approved by him or her must be charged against the pay of the offenders. The order of the commanding officer directing charges herein authorized is conclusive, except as provided in subsection 3, on any disbursing officer for the payment by him or her to the injured parties of the damages so assessed and approved.

2. If the offenders cannot be ascertained, but the organization or detachment to which they belong is known, charges totaling the amount of damages assessed and approved may be paid to the injured parties from the military fund of the unit or units of the Nevada National Guard to which such offenders belong.

3. Any person subject to this Code who is accused of causing willful damage to property has the right to be represented by counsel, to summon witnesses in his or her behalf and to cross-

examine those appearing against him or her. He or she has the right to appeal to the next higher commander.

**Sec. 52.** NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in subsection 7 and NRS 209.221 and 209.2473, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The ~~[Office]~~ ***Department*** of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Social Services of the Department of Human Services.

(h) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(i) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(j) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(k) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(l) The Silver State Health Insurance Exchange.

(m) The Administrator of the Housing Division of the Department of Business and Industry in adopting the allocation plan pursuant to NRS 319.745.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Nevada Health Authority in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734;

(i) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404;

(j) The adoption, amendment or repeal of any rule or policy governing the Public Option established pursuant to chapter 695K of NRS;

(k) An order issued by the Commissioner of Financial Institutions pursuant to subsection 3 of NRS 672.250; or

(l) Except as otherwise provided in NRS 422.390, the adoption of any regulation by the Nevada Health Authority or the Director or Medicaid Division thereof pursuant to chapter 422 of NRS.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

7. The Department of Corrections is subject to the provisions of this chapter for the purpose of adopting regulations relating to fiscal policy, correspondence with inmates and visitation with inmates of the Department of Corrections.

**Sec. 53.** NRS 388D.305 is hereby amended to read as follows:

388D.305 "Challenge school" means a public high school that:

1. Is administered by the ~~[Office]~~ ***Department*** of the Military;

2. Is established through an agreement between the ~~[Office]~~ ***Department*** of the Military, the Superintendent of Public Instruction and the board of trustees of a school district; and

3. Provides a full-time alternative program of education in accordance with the Nevada National Guard Youth Challenge Program created by NRS 388D.320.

**Sec. 54.** NRS 388D.310 is hereby amended to read as follows:

388D.310 "Participant" means a person who has been approved by the ~~[Office]~~ ***Department*** of the Military to participate in the Program. The term includes:

1. A pupil enrolled in a challenge school; and

2. A person participating in the nonresidential component of the Program.

**Sec. 55.** NRS 388D.320 is hereby amended to read as follows:

388D.320 1. The Nevada National Guard Youth Challenge Program is hereby created for the purposes of educating, training and mentoring youth who have dropped out of high school or who are at risk of dropping out of high school so that they may become productive, employed and law-abiding citizens.

2. The ~~[Office]~~ ***Department*** of the Military shall administer the Program. The Program must include:

(a) The establishment of a challenge school located within a school district in this State.

(b) A residential component lasting at least 22 weeks.

(c) Courses of study provided during the residential component described in paragraph (b) that include, without limitation:

(1) Courses focusing on academic excellence, life coping skills, employment skills, health and hygiene, responsible citizenship, service to the community, leadership and followership skills and physical fitness; and

(2) Courses that allow a participant to receive credit in accordance with the agreement entered into pursuant to NRS 388D.330.

(d) A nonresidential component lasting at least 12 months following the completion of the residential component.

(e) One-on-one mentoring with a participant during the nonresidential component described in paragraph (d).

(f) Monitoring of the participant by a case manager during the nonresidential component described in paragraph (d).

3. A person who wishes to apply to participate in the Program must submit an application on a form prescribed by the ~~[Office]~~ ***Department*** of the Military. The ~~[Office]~~ ***Department*** of the Military shall establish guidelines for the submission and review of applications to participate in the Program. Such guidelines must give special consideration to an eligible child of a military family, as defined in NRS 388F.010.

4. The ~~[Office]~~ ***Department*** of the Military shall establish criteria governing eligibility for a person to participate in the Program. Such criteria must:

(a) Require a person to be a Nevada resident to participate in the Program.

(b) Provide that a child in foster care or going through the process of adoption is eligible to participate in the Program.

5. The ~~[Office]~~ ***Department*** of the Military shall adopt regulations necessary to establish and administer the Program created pursuant to this section. The regulations must be consistent with 32 U.S.C. § 509 and the regulations adopted pursuant thereto.

**Sec. 56.** NRS 388D.325 is hereby amended to read as follows:

388D.325 1. The Nevada National Guard Youth Challenge Program Account is hereby created in the State General Fund.

2. The ~~[Office]~~ ***Department*** of the Military shall administer the Account. The money in the Account must be expended only to carry out the provisions of NRS 388D.300 to 388D.370, inclusive.

3. The ~~[Office]~~ ***Department*** of the Military may apply for and accept any gift, donation, bequest, grant, transfer from the State or a school district or other source of money for deposit in the Account.

4. The interest and income earned on the money in the Account, after deducting applicable charges, must be credited to the Account.

5. The money in the Account must remain in the Account and does not revert to the State General Fund at the end of any fiscal year.

**Sec. 57.** NRS 388D.330 is hereby amended to read as follows:

388D.330 1. The ~~[Office]~~ ***Department*** of the Military shall enter into an agreement with the Superintendent of Public Instruction and the board of trustees of a school district to establish a challenge school. The agreement must:

(a) Specify the physical location of the facilities of the challenge school.

(b) Set forth the method in which the Superintendent of Public Instruction will count enrollment and calculate the average daily attendance of pupils enrolled at a challenge school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive. The method must count a pupil enrolled in a challenge school as

a full-time pupil notwithstanding the schedule for the program of instruction provided by the challenge school.

(c) Set forth the schedule for the program of instruction the challenge school will provide. Such a schedule may include:

(1) A shorter school day or an opportunity for participants to attend a longer day than regularly provided in the school district.

(2) An opportunity for participants to attend courses of instruction during any part of the calendar year.

(d) Prescribe the courses of study provided by the challenge school for which credits may be received pursuant to NRS 388D.345 and the amount of credit allowed for the completion of those courses of study.

(e) Set forth the provisions of this title that the Superintendent of Public Instruction agrees to waive with respect to the challenge school pursuant to NRS 388D.335.

(f) Set forth any other provisions the parties deem necessary to carry out the provisions of NRS 388D.300 to 388D.370, inclusive.

2. Upon the execution of an agreement pursuant to subsection 1, a challenge school shall be deemed a public school pursuant to NRS 385.007 located within the school district that is a party to the agreement and is entitled to receive money from the State.

**Sec. 58.** NRS 388D.345 is hereby amended to read as follows:

388D.345 1. The ~~[Office]~~ ***Department*** of the Military shall develop a curriculum to be used by a challenge school based upon the individual needs of participants in the Program and establish standards of content and performance for the courses of study offered by a challenge school.

2. A pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet the requirements of an adult standard diploma, who successfully completes a course of study offered by a challenge school must be allowed to apply the credit received for the course completed to the total number of credits required for graduation from the high school or the charter school in which the pupil is enrolled or the credits required for receipt of an adult standard diploma, as applicable.

**Sec. 59.** NRS 388D.355 is hereby amended to read as follows:

388D.355 1. The ~~[Office]~~ ***Department*** of the Military shall adopt:

(a) Written rules of behavior for pupils enrolled in a challenge school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. Except as otherwise provided in subsection 3, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the challenge school shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity to be heard and rebut the evidence.

3. A pupil may be removed from a challenge school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be

conducted as soon as practicable after the removal, for his or her suspension or expulsion, if the pupil:

(a) Poses a continuing danger to persons or property;

(b) Poses an ongoing threat of disrupting the academic process;

(c) Sells or distributes any controlled substance; or

(d) Is found to be in possession of a dangerous weapon as provided in NRS 392.466.

4. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each new pupil who enrolls in a challenge school; and

(b) Available for public inspection at a challenge school.

5. The ~~[Office]~~ ***Department*** of the Military may adopt rules relating to the truancy of pupils who are enrolled at a challenge school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the ~~[Office]~~ ***Department*** of the Military adopts rules governing truancy, the ~~[Office]~~ ***Department of the Military*** shall include the rules in the written rules adopted pursuant to subsection 1.

**Sec. 60.** NRS 388D.370 is hereby amended to read as follows:

388D.370 For each challenge school:

1. The ~~[Office]~~ ***Department*** of the Military shall designate a person to draw all orders for the payment of money belonging to the challenge school. The orders must be listed on cumulative voucher sheets.

2. The ~~[Office]~~ ***Department*** of the Military shall prescribe the procedures by which the orders must be approved and the cumulative voucher sheets signed.

3. An action may not be maintained against the ~~[Office]~~ ***Department*** of the Military or against a challenge school to collect upon a bill not presented for payment to the ~~[Office]~~ ***Department*** of the Military within 6 months after the bill was incurred.

**Sec. 61.** The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

**Sec. 62.** 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. 63.** This act becomes effective on July 1, 2027.