

NEVADA LEGISLATURE

Eightieth Session, 2019

SENATE DAILY JOURNAL

THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 27, 2019

Senate called to order at 1:35 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Chad Adamik.

Almighty God, we give You thanks for our great State of Nevada and for our Nation, the United States of America. Continue to shape us into a people who work for liberty and justice for all people. We give You thanks for all who have served bravely in our military especially those who did so at the cost of their own lives. We give You thanks for all who serve as military chaplains, who do the work of speaking Your Word to the courageous, the fearful, the suffering, the wounded and the dying. Bless and protect all who serve in our armed forces, at home and overseas especially those we remember before You now.

Bless the peacemakers in this State, our Nation and around the world.

O God, we long for the day when Your Kingdom will come in all its fullness, when there will be no more need for weapons and warfare, and when we will enjoy the peace that You give so graciously to us.

We pray this in Your many, Holy Names.

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

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 510, 516, 517, 519, 525, 526, 532, 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 193.

Bill read third time.

Remarks by Senators Woodhouse and Hammond.

SENATOR WOODHOUSE:

Senate Bill No. 193 makes an appropriation of \$175,000 in each year of the 2019-2021 biennium to the Nevada Center for Civic Engagement to support the "We the People: The Citizen & The Constitution Programs" in Nevada's elementary, middle and high schools. The bill further requires the Nevada Center for Civic Engagement to transmit expenditure reports to the Interim Finance Committee.

SENATOR HAMMOND:

I rise in support of this bill. Of all the things we pass dealing with education and trying to get student engagement in education, this is the one program I know firsthand and personally that works; this is the one that gets students engaged. It gets them thinking in more depth, and it is a good use of money. I endorse this program wholeheartedly, and I hope everyone else does.

Roll call on Senate Bill No. 193:

YEAS—21.

NAYS—None.

Senate Bill No. 193 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 254.

Bill read third time.

Remarks by Senators Brooks, Kieckhefer, Settlemeyer, Hansen and SeEVERS Gansert.

SENATOR BROOKS:

Senate Bill No. 254, as amended, requires the State Department of Conservation and Natural Resources to prepare, in consultation with the Governor's Office of Energy and other agencies, an annual report concerning the sources and amounts of greenhouse gas emissions in the State to support the long-term goal of greenhouse emission reduction to zero or near-zero by the year 2050.

SENATOR KIECKHEFER:

I unfortunately have to rise in objection to Senate Bill No. 254. I want to thank the sponsor of the bill for taking a lot of time to go through the bill, its provisions and its goals with me. There is nothing about the policy statements in the legislation that I object to. What I have concerns about is a certain amount of a fuzziness in the public record over what the powers of the Executive Branch would be to regulate and implement regulations relating to the policies that are identified in the report this bill requests. Without a certain statement of direction from the Legislature that we expect those regulatory agencies to come back to the Legislature for explicit authorization to implement what may be sweeping and broad policies to combat climate change, I do not feel comfortable moving forward; although, I agree with the concepts we are trying to get to in this bill.

SENATOR SETTELMAYER:

I also rise in opposition. This is a large increase in regulatory power. Even if the entities would all have to come to the Legislative Commission for review of their regulations, many are already exempt under Nevada Revised Statutes 223b. These include the Governor, Department of Corrections, System of Higher Education, Military Control Board, Gaming Commission, Health and Human Services and others. Many entities do not have to come to Legislative Commission. I find this bill problematic.

If the goal is to reduce greenhouse gas emissions, many have been exempted. The State of Nevada accounts for only .65 of a percent of greenhouse gas emissions in America. Of that amount, 3 percent is represented by agriculture and of that, cattle represent 58 percent. If you are

going to reduce them, you are actually going to have to reduce the number of cattle. I see a problem with having to tell industries they either have to reduce or they are going to have to find another industry to get credits from. I find this problematic and rise in opposition.

SENATOR HANSEN:

I, too, rise in opposition but for a broader reason. This is becoming an enormous issue across the world. For those of you who watched the election recently in Europe, the Green Party there has significantly advanced around this issue. In the United States, up until 2016, we could debate this, but the Attorney General for the last Presidential administration threatened to have people arrested. There were 19 Attorney Generals from the states who agreed to arrest people like myself who are sceptics of some of these concerns. We have changed this from being legitimate debate over a scientific question into a possible criminal action.

I have done a lot of homework on this issue for a variety of years, and it has been fascinating to hear the different things. When you look at the greenhouse gasses and how much we cause versus how much is actually naturally, our influence on nature, the climate is about zero. An example from Nevada is the ancient Lake Lahontan. At one time in Northern and Western Nevada, there was a lake that was 8,700 square miles. Lake Tahoe, by comparison, it is 192 square miles. Lake Lahontan dried up completely, and the remnants today are Walker Lake and Pyramid Lake. If you go back another 9,000 years, the exact same phenomenon previously occurred. When John Fremont came to Nevada in 1844, he discovered Pyramid Lake. One lake next to Pyramid Lake that he did not discover was Winnemucca Lake. Why? Because in 1884 Winnemucca Lake did not exist. It did not come into existence until the 1860's after a series of wet years, and it dried up again in 1934. There have been dramatic climatic changes in Nevada for centuries.

Another simple example is right up behind us, Lake Tahoe. In the depths of Lake Tahoe there are stumps from a forest. How did that happen? Before we artificially raised Lake Tahoe by six feet, there was a drought so severe and of such great magnitude, a forest was able to establish itself before the drought broke and Lake Tahoe refilled to its natural rim. There is also a lake called Fallen Leaf Lake. In this century, scientists were surprised to discover a fully mature forest in the depths of Fallen Leaf Lake. How did that occur? Very simple, there was again a drought of such magnitude and duration that Fallen Leaf Lake dried up. A mature forest was allowed to grow and when the drought broke, it filled up, and in the depths of that lake is a forest.

Most of you in this room are from Clark County. There was a report done in 1962 by the United States Geological Survey entitled "Meteorological Phenomena on Drought in the Southwest." It is fascinating to read because many of you are worried the level of Lake Mead is dropping. This is hardly a new phenomenon. A report indicates there is strong evidence for the existence of a great 200 year wave in rainfall and runoff in the Colorado River basin. The 1200s were exceptionally dry, and the 1300s exceptionally wet. The droughts of the first interval and the floods of the second appear to have far exceeded, in duration and intensity, those quoted by modern gauges. Noteworthy among other climatic events is the pronounced and extensive drought of 1573 to 1593. The total flow for the Colorado River during the two years, 1584-1585, may not have exceeded the record for low runoff recorded in 1934. The recorded fluctuations on the Colorado River drainage include many that may be cyclic an unfairly regular recurrence intervals. Indeed a cycle enthusiast can find so many cycles ranging widely in period and aptitude that he ends up with the same conclusion as the cycle skeptic. The causative factors are too little understood, and the result in precipitation to irregular to serve as an adequate basis for long range forecasting of the climate. Records of tree growth indicate that during the past 2000 years, there have been droughts of exceptional magnitude in various parts of the southwest. These exceptional droughts may be the products of century-long climatic fluctuations.

Those of us who are worried about carbon and the industrial revolution realize this occurred long before man-made carbon was an issue. Since this is a worldwide phenomenon, and I am using Nevada examples, we need to go through a couple of others. This is a big issue, and the idea we are going to use the government to shut down our industries and restrict the use of certain fuels based around this false philosophy is something about which we need to be very careful.

The government report of 1962 states evidence of climatic fluctuation of assorted periods and amplitudes, such as these mentioned by Willit, come from climatologic, historic archeologic,

biologic, glaciologic, linealogic, oceanographic, and geological data. It is not like they had a minor study go on, they studied everything in detail. They went back 8,000 years to 7,000 B.C. and found recession of continental glaciers leaving tundra, preponderance of spruce and a cold, moist climate; 7000-5000 B.C., the climate was similar to today; 5000-2500 B.C., the climate was generally warmer and drier than today with an abundance of oak and a history drying up of lakes and glaciers; 2000-600 B.C., there was a gradual decrease in temperature with probable rebirth of some lakes and glaciers; 600B.C.-1300 A.D., began a period providing gradually increasing detail concerning climate fluctuations. The Tiber River through Rome has frozen several times; the Thames River in England froze for centuries during the Little Ice Age, but prior to that it was a warming thing. Those of us with Scandinavian descent like myself know that there is a county named Greenland. Greenland today is not very green, but it was about 1,000 years ago. For a 200-year window, Scandinavians settled on it, farmed and made it into a wealthy colony. When the Little Ice Age came, Greenland turned into the iced-capped thing it is today.

I just bring these things up to point out climates have fluctuated dramatically for thousands of years. The minor fluctuations we are witnessing today are, as far as man actually causing them, minute. If you look at the amount of carbon dioxide produced by man in all of his industrial capacity and compare it to the amount of carbon dioxide produced in nature and look at it long term, this is one of those silly little phenomenon we have in our history. Thomas Malthus had theories that we are all going to starve to death. Rachelle Carson had her theories we were all going to die because of using too many pesticides. The biggest one, in 1968, was we were all going to die because we were reproducing too much. There are many patterns over the years of people making claims about climate change. Climates change; they do all the time. I urge my colleagues to vote no on Senate Bill No. 254.

SENATOR BROOKS:

I rise in support of Senate Bill No. 254, and I rise in support of science. Despite the anecdotal evidence brought up by my colleague and his interpretation of those anecdotes, the vast majority of scholars, scientists and climate scientists around the planet are in agreement that the climate is changing, the earth is warming and man-made, greenhouse gas emissions are a contributor to that warming. It is an emergency. It is accepted by our military, all of our neighbors around the world, and the people of the State of Nevada and many of the people in this country.

There are some who would believe the Earth is flat. That does not mean the science is not settled; we live on a globe. There are those among us who believe we never achieved space travel. That does not mean the science is not settled on space travel. I want to accept the preponderance of evidence from scientists whose life-study is climate change and act, as a State, on this emergency that faces us. This is a goal to reduce emissions across the State. It is not industry specific. We will be able to achieve this much quicker in some industries. In others, such as the one mentioned, there will be an economy-wide plan put forth where we can do it where it is easier and protect the industries where it is difficult.

This does not grant new powers to any agencies that do not currently exist under statute. It sets forth a goal for the State of Nevada where we want to be, like most of our neighbors across the planet on reduction of greenhouse gases, fighting the emergency that is climate change.

SENATOR SEEVERS GANSERT:

I rise in opposition to Senate Bill No. 254. There is science and evidence there is climate change, but there is a dispute as to what is man-made and what is natural. This bill, however, can expand executive and regulatory power. It appears there is not an effort to do that, and perhaps we can be more specific about what types of powers already exist within an entity for clarification. In its current form, I am concerned about the expansion of executive and regulatory power without a check. This is how we serve in this Body. We, as the Legislative branch, are a check. The reporting is appropriate, but I am concerned about the regulations identified by entity or entities and not having a definition about what powers exist or if they could be expanded through this legislation.

SENATOR HANSEN:

The idea this is settled science is nonsense. I have done more research than anyone in this room, including studying what the scientists have said for over 30 years on this issue. I have also examined what the evidence is with time. There is evidence to show the original predictions that

the world is going to collapse in the emergency my colleague is talking about, is anything but. I urge my colleagues to do some deep, in-depth research from both sides. You will find there is skepticism on what is causing climate change. Climate change has been going on for thousands of year. I urge my colleagues to vote no and be skeptical of claims that our industries need to be shut down so we can supposedly protect the climate we are destroying.

Roll call on Senate Bill No. 254:

YEAS—13.

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

Senate Bill No. 254 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 295.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 295, as amended, creates the Nevada National Guard Youth Challenge Program to be administered by the Office of the Military for the purposes of educating, training and mentoring youth who have dropped out or at risk of dropping out of high school and sets forth the requirements for the operation of the program. The bill, as amended, further requires the Office to enter into an agreement with the Superintendent of Public Instruction and the board of trustees of a school district to establish a challenge school. Senate Bill No. 295, as amended, sets for the requirements for the operation of the Nevada National Guard Youth Challenge Program and the challenge school. Lastly, the bill, as amended, establishes the Nevada National Guard Youth Challenge Program Account for the purposes of carrying out various provisions of the bill and to accept any gift, donation, bequest, grant or transfer from the State or a school district or other sources of money for deposit in the account.

It is instructive for this Body to note the young ladies who proposed and presented this bill to me have no political experience, yet worked very hard with me and others to make sure it came to fruition. Additionally, the Elko County School District has authorized the operation of the Nevada Youth Challenge High School in partnership with the Nevada National Guard. I urge your support. This is a very good bill, and will offer additional opportunities for the youth of Nevada.

Roll call on Senate Bill No. 295:

YEAS—21.

NAYS—None.

Senate Bill No. 295 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bill No. 321 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 408.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 408, as amended, clarifies that for the purpose of vehicle registration and traffic laws, a trimobile is a vehicle designed to travel with three wheels in contact with the ground and

must be equipped with handlebars and a saddle seat. Additionally, the bill, as amended, revises provisions relating to duties of a pedestrian at certain intersections. Senate Bill No. 408, as amended, also clarifies that a person who is convicted of certain offences involving driving a motor vehicle while under the influence of intoxicating liquor, a controlled substance or a combination of both is only eligible to install an ignition interlock device for a period of 185 days if certain conditions are not present; otherwise, the device must be installed for a period of not less than 185 days as provided under current law. The bill, as amended, also eliminates certain exceptions to the requirement for installing an ignition interlock device upon a conviction if a court makes certain determinations.

Roll call on Senate Bill No. 408:

YEAS—21.

NAYS—None.

Senate Bill No. 408 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 503.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 503 provides for General Fund appropriations of \$4.5 million to the Nevada Promise Scholarship Account to provide scholarships for eligible students attending community colleges within the State.

Roll call on Senate Bill No. 503:

YEAS—21.

NAYS—None.

Senate Bill No. 503 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 513.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 513 makes appropriations of \$17.6 million to the Division of Welfare and Supportive Services for the Child Support Enforcement Modernization system and the replacement of computer hardware and software and office equipment and authorizes the expenditure of money for these purposes.

Roll call on Senate Bill No. 513:

YEAS—21.

NAYS—None.

Senate Bill No. 513 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 515.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 515 provides for General Fund appropriations of \$2.7 million for the replacement of the Offender Tracking Information System. The bill also provides for General Fund appropriations of \$470,322 for the replacement of computer software and hardware.

Roll call on Senate Bill No. 515:

YEAS—21.

NAYS—None.

Senate Bill No. 515 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 518.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 518 provides a General Fund appropriation of \$1,700,373 to the Department of Taxation for the needs assessment for the modernization of the Department's Unified Tax System.

Roll call on Senate Bill No. 518:

YEAS—21.

NAYS—None.

Senate Bill No. 518 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 527.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 527 makes a \$1.7 million General Fund appropriation to the Division of Child and Family Services of the Department of Health and Human Services for various equipment purchases and deferred maintenance projects.

Roll call on Senate Bill No. 527:

YEAS—21.

NAYS—None.

Senate Bill No. 527 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 530.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 530, as amended, makes a General Fund supplemental appropriation of \$6,000 in Fiscal Year 2019 to the Nevada Supreme Court to fund a projected shortfall related to judicial selection processes.

Roll call on Senate Bill No. 530:

YEAS—21.

NAYS—None.

Senate Bill No. 530 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 536.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 536 expands the authorized uses of the federal American Recovery and Reinvestment Act (ARRA) of 2009 money deposited in the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans, which is administered by the Director of the Office of Energy, to be used for any other purpose for which the United States Department of Energy has approved. The bill changes the name of the account by striking the word "loan" to the account for Renewable Energy, Energy Efficiency and Energy Conservation.

Roll call on Senate Bill No. 536:

YEAS—21.

NAYS—None.

Senate Bill No. 536 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 539.

Bill read third time.

Remarks by Senator Cancela.

Senate Bill No. 539 amends Nevada Revised Statute 706.8826 to increase the annual fee assessed by the Taxicab Authority against a taxicab medallion holder from \$100 to \$300 per taxicab. This bill is a budget implementation.

Roll call on Senate Bill No. 539:

YEAS—17.

NAYS—Hammond, Hansen, Hardy, Settlemeyer—4.

Senate Bill No. 539 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 540.

Bill read third time.

Remarks by Senator Cancela.

Senate Bill No. 540, as amended, is a budget implementation bill that continues the expansion of the current adult protective services program to a full adult protective services program. Senate Bill No. 540 provides the Aging and Disability Services Division of the Department of Health and Human Services authority to receive and investigate reports of abuse, neglect, exploitation, isolation and abandonment of vulnerable persons age 18 through 59.

Roll call on Senate Bill No. 540:

YEAS—21.

NAYS—None.

Senate Bill No. 540 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 542.

Bill read third time.

Remarks by Senators Parks and Settelmeyer.

SENATOR PARKS:

Senate Bill No. 542 would extend the imposition of the \$1 technology fee charged on any transaction performed by the Department of Motor Vehicles for which a fee is charged through June 30, 2022. Under existing law, the requirement to impose this fee is set to expire on June 30, 2020. The department estimates technology fee revenue collections would total \$6.9 million in each year of the 2019-2021 biennium.

SENATOR SETTELMEYER:

I rise in opposition to Senate Bill No. 542. By moving the deadline to 2022 versus 2020, the bill will collect by up to \$7 million dollars. That means we will have additional revenue. By creating additional revenue, this bill should be labeled as requiring a two-thirds majority vote; otherwise, it violates the Tax Restraint Initiative the voters passed in 1994 by 78 percent and in 1996 by 71 percent. We should be following the Tax Restraint Initiative in our Constitution; therefore, I will be voting no on this bill.

Roll call on Senate Bill No. 542:

YEAS—13.

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

Senate Bill No. 542 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 545.

Bill read third time.

Remarks by Senators Woodhouse and Denis.

SENATOR WOODHOUSE:

Senate Bill No. 545 requires the distribution of proceeds of the 10-percent excise tax on retail sales of marijuana and marijuana products to be deposited in the State Distributive School Account as opposed to the Account to Stabilize the Operation of State Government, also known as the Rainy Day Fund. I urge your support.

SENATOR DENIS:

For the last two years, we have had many questions regarding the marijuana money as it relates to schools. This fixes that and puts the money where it needs to go, in education. I urge your support.

Conflict of interest declared by Senator Ohrenschall.

Roll call on Senate Bill No. 545:

YEAS—20.

NAYS—None.

NOT VOTING—Ohrenschall.

Senate Bill No. 545 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 548.

Bill read third time.

Remarks by Senators Woodhouse and Kieckhefer.

SENATOR WOODHOUSE:

Senate Bill No. 548 provides for General Fund appropriations of \$33 million to the Millennium Scholarship Trust Fund. Again, I urge your support on this measure as well.

SENATOR KIECKHEFER:

Senate Bill No. 548 address a problem we all know exists, a continuing shortfall in the funding stream based on declining tobacco tax revenue and increased need. I rise in support of Senate Bill No. 548 because it ensures our students continue to have access to this program for the next two years. I continue to be worried about the long-term funding stream for this program. This is an appropriation out of the existing fiscal year, but it functions as an appropriation for the next two years. This means we will be entering the Fiscal Year 2021 budget with a minimum hole of \$33 million. We need to begin to focus on shoring up this program long term, but in the meantime, I am happy to continue to support our students and our systems of higher education.

Roll call on Senate Bill No. 548:

YEAS—21.

NAYS—None.

Senate Bill No. 548 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 321.

Bill read third time.

The following amendment was proposed by Senator Dondero Loop:

Amendment No. 982.

SUMMARY—Abolishes the Achievement School District. (BDR 34-682)

AN ACT relating to education; abolishing the achievement school district; requiring an existing achievement charter school to convert to a charter school under the sponsorship of the State Public Charter School Authority or cease operations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 448 of the 2015 Legislative Session established the Achievement School District within the Department of Education, authorized the conversion of certain public schools to achievement charter schools and made various other changes relating to such schools. (Chapter 539, Statutes of Nevada 2015, p. 3775; NRS 388B.010-388B.450) Sections 1-35 of this bill effectively rescind Assembly Bill No. 448 by repealing the new provisions added by that bill and reverting the various statutes to the former language. Section 37 of this bill ~~requires~~ provides that any achievement charter school and any application to operate an achievement charter school that has been approved is deemed to have been approved by the State Public Charter School Authority ~~to administer each existing contract~~ to operate ~~an achievement~~ as a charter school ~~beginning on the effective date of this bill.~~

Existing law requires the governing body of a charter school to enter into a charter contract with the sponsor of the charter school. (NRS 388A.270) Section 37 requires ~~the governing body of an achievement charter school to enter into~~ a charter contract to be entered into with the State Public Charter

School Authority ~~and~~ to operate under existing law governing charter schools by July 1, 2020. If ~~an achievement charter school does not enter into~~ such a charter contract ~~it~~ is not entered into, section 37 provides that ~~the~~ any contract to operate the achievement charter school becomes void ~~on that date,~~ thereby requiring the achievement charter school to cease operations.

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

Section 1. NRS 385.005 is hereby amended to read as follows:

385.005 1. The Legislature reaffirms its intent that public education in the State of Nevada is essentially a matter for local control by local school districts. The provisions of this title are intended to reserve to the boards of trustees of local school districts within this state such rights and powers as are necessary to maintain control of the education of the children within their respective districts. These rights and powers may only be limited by other specific provisions of law.

2. The responsibility of establishing a statewide policy of integration or desegregation of public schools is reserved to the Legislature. The responsibility for establishing a local policy of integration or desegregation of public schools consistent with the statewide policy established by the Legislature is delegated to the respective boards of trustees of local school districts and to the governing body of each charter school.

3. The State Board shall, and the State Public Charter School Authority, ~~the Achievement School District,~~ each board of trustees of a local school district, the governing body of each charter school and any other school officer may, advise the Legislature at each regular session of any recommended legislative action to ensure high standards of equality of educational opportunity for all children in the State of Nevada.

Sec. 2. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. ~~["Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.]~~
"Charter school" means a public school that is formed pursuant to the provisions of chapter 388A of NRS.

2. "Department" means the Department of Education.

3. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

4. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

5. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

6. "Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

7. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

8. "School bus" has the meaning ascribed to it in NRS 484A.230.

9. "State Board" means the State Board of Education.

10. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 3. NRS 385.111 is hereby amended to read as follows:

385.111 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391A.130, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391A.120;

(5) The Legislative Bureau of Educational Accountability and Program Evaluation; and

(6) Other persons who the State Board determines are appropriate.

2. On or before March 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation;

- (d) Board of Regents of the University of Nevada;
- (e) Board of trustees of each school district; *and*
- (f) Governing body of each charter school . ~~}; and~~

~~—(g) Executive Director of the Achievement School District.]~~

Sec. 4. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385A.320 and similar information in the annual report of accountability prepared by the State Public Charter School Authority ~~}; the Achievement School District]~~ and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are English learners;

8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;

9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635; and

10. On or before February 1 of each year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature in odd-numbered years and to the Legislative Commission in even-numbered years, describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 5. NRS 385A.070 is hereby amended to read as follows:

385A.070 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385A.070 to 385A.320, inclusive, for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before December 31 of each year, prepare for the immediately preceding school year a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385A.070 to 385A.320, inclusive, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority [~~the Achievement School District~~] and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before December 31 of each year, prepare for the immediately preceding school year an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority [~~Achievement School District~~] or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority [~~the Achievement School District~~] and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority [~~Achievement School District~~] and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385A.070 to 385A.320, inclusive, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

Sec. 6. NRS 385A.080 is hereby amended to read as follows:

385A.080 1. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to NRS 385A.070 and provide the forms to the respective school districts, the State Public Charter School Authority [~~the Achievement School District~~] and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority [~~the Achievement School District~~] and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Office of Finance;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

↪ concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

2. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

Sec. 7. NRS 385A.090 is hereby amended to read as follows:

385A.090 1. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority, [~~the Achievement School District~~] and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to NRS 385A.070 is available on the Internet website maintained by the school district, State Public Charter School Authority [~~Achievement School District~~] or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;

- (2) State Board;
- (3) Department;
- (4) Committee;
- (5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385A.250.

(b) The board of trustees of each school district, the State Public Charter School Authority ~~[, the Achievement School District]~~ and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to NRS 385A.070 by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority ~~[, the Achievement School District]~~ or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority ~~[, the Achievement School District]~~ or the institution does not maintain a website, the State Public Charter School Authority ~~[, the Achievement School District]~~ or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

2. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 1 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority ~~[, the Achievement School District]~~ or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to NRS 385A.070.

Sec. 8. NRS 385A.240 is hereby amended to read as follows:

385A.240 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the

district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033, 392.125 or 392.760, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority [~~the Achievement School District~~] and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

Sec. 9. NRS 385A.400 is hereby amended to read as follows:

385A.400 1. The State Board shall, on or before January 15 of each year, prepare for the immediately preceding school year a single annual report of accountability that includes, without limitation the information prescribed by NRS 385A.400 to 385A.520, inclusive.

2. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.400 to 385A.520, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

- (a) Be prepared in a concise manner; and
- (b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before January 15 of each year, the State Board shall provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department.

5. Upon the request of the Governor, the Attorney General, the Committee, the Bureau, the Board of Regents of the University of Nevada, the board of trustees of a school district, the governing body of a charter school ~~the Executive Director of the Achievement School District~~ or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

Sec. 10. NRS 385A.670 is hereby amended to read as follows:

385A.670 1. On or before July 31 of each year, the Department shall determine whether each public school is meeting the school achievement targets and performance targets established pursuant to the statewide system of accountability for public schools.

2. The determination pursuant to subsection 1 for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority ~~the Achievement School District~~ or a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority ~~the Achievement School District~~ or the institution within the Nevada System of Higher Education that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

- (a) Except as otherwise provided in paragraph (b) ~~or (c)~~, ~~or (d)~~, the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) ~~[(The determination made for the charter school to the Achievement School District if the charter school is sponsored by the Achievement School District.~~

~~—(d)]~~ The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

3. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to meet the performance targets established pursuant to the statewide system of accountability for public schools based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

↪ The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

4. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

5. As used in this section:

(a) “Irregularity in testing administration” has the meaning ascribed to it in NRS 390.255.

(b) “Irregularity in testing security” has the meaning ascribed to it in NRS 390.260.

Sec. 11. NRS 385A.720 is hereby amended to read as follows:

385A.720 1. Based upon the information received from the Department pursuant to NRS 385A.670, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority ~~[(the Achievement School District)]~~ or a college or university within the Nevada System of Higher Education. The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary ratings for all charter schools sponsored by the State Public Charter School Authority ~~[(all charter schools sponsored by the Achievement School District)]~~

and all charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15. If the school is a charter school sponsored by the State Public Charter School Authority [~~the Achievement School District~~] or a college or university within the Nevada System of Higher Education, the Department shall make a final determination concerning the rating for the school on September 15.

3. On or before September 15 of each year, the Department shall post on the Internet website maintained by the Department the determinations and final ratings made for all schools in this State.

Sec. 12. NRS 387.067 is hereby amended to read as follows:

387.067 1. The State Board may accept and adopt regulations or establish policies for the disbursement of money appropriated and apportioned to the State of Nevada, the school districts or the charter schools of the State of Nevada by the Congress of the United States for purposes of elementary and secondary education.

2. The Superintendent of Public Instruction shall deposit the money with the State Treasurer, who shall make disbursements therefrom on warrants of the State Controller issued upon the order of the Superintendent of Public Instruction.

3. The State Board, any school district within this State [~~the Achievement School District~~] and any governing body of any charter school in this State may, within the limits provided in this section, make such applications, agreements and assurances to the Federal Government, and conduct such programs as may be required as a condition precedent to the receipt of money appropriated by any Act of Congress for purposes of elementary and secondary education. Such an agreement or assurance must not require this State, or a school district or governing body to provide money above the amount appropriated or otherwise lawfully available for that purpose.

Sec. 13. NRS 387.080 is hereby amended to read as follows:

387.080 1. The Director may enter into agreements with any agency of the Federal Government, the Department, the State Board, [~~the Achievement School District~~] any board of trustees of a school district, any governing body of a charter school or any other entity or person. The Director may establish policies and prescribe regulations, authorize the employment of such personnel and take such other action as it considers necessary to provide for the establishment, maintenance, operation and expansion of any program of

nutrition operated by a school district or of any other such program for which state or federal assistance is provided.

2. The State Treasurer shall disburse federal, state and other money designated for a program of nutrition on warrants of the State Controller issued upon the order of the Director pursuant to regulations or policies of the State Department of Agriculture.

3. The Director may:

(a) Give technical advice and assistance to any person or entity in connection with the establishment and operation of any program of nutrition.

(b) Assist in training personnel engaged in the operation of any program of nutrition.

Sec. 14. NRS 387.090 is hereby amended to read as follows:

387.090 Except as otherwise provided in NRS 387.114 to 387.1175, inclusive, the board of trustees of each school district ~~[, the Executive Director of the Achievement School District]~~ and the governing body of each charter school may:

1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.

2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.068 to 387.1175, inclusive, gifts, donations and other money received from the sale of food under those programs.

3. Deposit the money in one or more accounts in one or more banks or credit unions within the State.

4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 15. NRS 387.1223 is hereby amended to read as follows:

387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year.

2. Except as otherwise provided in subsection 3, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, based on the average daily enrollment of those pupils during the quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(2) The count of pupils not included under subparagraph (1) who are enrolled full-time in a program of distance education provided by that school district, a charter school located within that school district or a university

school for profoundly gifted pupils, based on the average daily enrollment of those pupils during the quarter.

(3) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(4) The count of pupils not included under subparagraph (1), (2) or (3), who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435.

(5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435, based on the average daily enrollment of those pupils during the quarter.

(6) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570, based on the average daily enrollment of those pupils during the quarter.

(7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 1 of NRS 388A.471, subsection 1 of NRS 388A.474 ~~or subsection 1 of NRS 392.074 or subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school,~~ based on the average daily enrollment of pupils during the quarter and expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (1).

(b) Adding the amounts computed in paragraph (a).

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district based on the average daily enrollment of pupils during the quarter of the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school based on the average daily enrollment of pupils during the same quarter of the immediately preceding school year, the

enrollment of pupils during the same quarter of the immediately preceding school year must be used for purposes of making the quarterly apportionments from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. The Department shall prescribe a process for reconciling the quarterly reports submitted pursuant to subsection 1 to account for pupils who leave the school district or a public school during the school year.

6. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

7. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 16. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

- (a) Pupils in the kindergarten department.
- (b) Pupils in grades 1 to 12, inclusive.
- (c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 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~~ and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474 . ~~[and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school.]~~

(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).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance 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. 17. NRS 388.020 is hereby amended to read as follows:

388.020 1. An elementary school is a public school in which grade work is not given above that included in the eighth grade, according to the regularly adopted state course of study.

2. A junior high or middle school is a public school in which the sixth, seventh, eighth and ninth grades are taught under a course of study prescribed and approved by the State Board. The school is an elementary or secondary school for the purpose of the licensure of teachers.

3. A high school is a public school in which subjects above the eighth grade, according to the state course of study, may be taught. The school is a secondary school for the purpose of the licensure of teachers.

4. A special school is an organized unit of instruction operating with approval of the State Board.

5. A charter school is a public school that is formed pursuant to the provisions of chapter 388A of NRS . ~~[or an achievement charter school that is formed pursuant to chapter 388B of NRS.]~~

6. A university school for profoundly gifted pupils is a public school established pursuant to chapter 388C of NRS.

Sec. 18. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts and charter schools in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to NRS 385A.310 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority [~~the Achievement School District~~] and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

↪ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

- (c) The superintendent of schools of each school district.
- (d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

→ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the

Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes 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.

Sec. 19. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935, 392.303 or 432B.220.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281; *or*

(2) The governing body of a charter school . ~~;~~

~~(3) The Achievement School District.]~~

(c) "School official" means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

~~[(4) The Executive Director of the Achievement School District.]~~

(d) “Teacher” means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 20. NRS 388A.030 is hereby amended to read as follows:

388A.030 “Educational management organization” means a for-profit corporation, business, organization or other entity that provides services relating to the operation and management of charter schools . ~~[and achievement charter schools.]~~

Sec. 21. NRS 388A.075 is hereby amended to read as follows:

388A.075 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. ~~[Except as otherwise provided in NRS 388B.290, the]~~ *The* conversion of an existing public school, homeschool or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude:

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of this chapter.

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 1 of NRS 388A.471 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 22. NRS 388A.080 is hereby amended to read as follows:

388A.080 The provisions of this chapter do not authorize an existing public school, homeschool or other program of home study to convert to a charter school . ~~[except as otherwise provided in NRS 388B.290.]~~

Sec. 23. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. ~~[Except as otherwise provided in NRS 388B.290, if]~~ *If* an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers, which may include, without limitation, natural persons from different geographic areas of the United States who

possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor; and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school.

4. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 24. NRS 388G.050 is hereby amended to read as follows:

388G.050 1. There is hereby established a Program of Empowerment Schools for public schools within this State. The Program does not include a university school for profoundly gifted pupils . ~~for an achievement charter school.~~

2. The board of trustees of a school district which is located:

(a) In a county whose population is less than 100,000 may approve public schools located within the school district to operate as empowerment schools.

(b) In a county whose population is 100,000 or more but less than 700,000 shall approve not less than 5 percent of the schools located within the school district to operate as empowerment schools.

3. The board of trustees of a school district which participates in the Program of Empowerment Schools shall, on or before September 1 of each year, provide notice to the Department of the number of schools within the school district that are approved to operate as empowerment schools for that school year.

4. The board of trustees of a school district that participates in the Program of Empowerment Schools may create a design team for the school district. If such a design team is created, the membership of the design team must consist of the following persons appointed by the board of trustees:

- (a) At least one representative of the board of trustees;
- (b) The superintendent of the school district, or the superintendent's designee;
- (c) Parents and legal guardians of pupils enrolled in public schools in the school district;
- (d) Teachers and other educational personnel employed by the school district, including, without limitation, school administrators;
- (e) Representatives of organizations that represent teachers and other educational personnel;
- (f) Representatives of the community in which the school district is located and representatives of businesses within the community; and
- (g) Such other members as the board of trustees determines are necessary.

5. If a design team is created for a school district, the design team shall:

- (a) Recommend policies and procedures relating to empowerment schools to the board of trustees of the school district; and
- (b) Advise the board of trustees on issues relating to empowerment schools.

6. The board of trustees of a school district may accept gifts, grants and donations from any source for the support of the empowerment schools within the school district.

Sec. 25. NRS 390.265 is hereby amended to read as follows:

390.265 "School official" means:

- 1. A member of a board of trustees of a school district;
- 2. A member of a governing body of a charter school; or
- 3. A licensed or unlicensed person employed by the board of trustees of a school district ~~[]~~ or the governing body of a charter school. ~~[or the Achievement School District.]~~

Sec. 26. NRS 390.270 is hereby amended to read as follows:

390.270 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, ~~{Achievement School District,}~~ charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, ~~{Achievement School District,}~~ charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 390.295.

3. The Department shall post a copy of the plan adopted pursuant to this section and the procedures set forth therein on the Internet website maintained by the Department.

Sec. 27. NRS 390.380 is hereby amended to read as follows:

390.380 "School official" means:

1. A member of a board of trustees of a school district;
2. A member of a governing body of a charter school; or
3. A licensed or unlicensed person employed by the board of trustees of a school district ~~{,}~~ or the governing body of a charter school . ~~{or the Achievement School District.}~~

Sec. 28. NRS 391.180 is hereby amended to read as follows:

391.180 1. As used in this section, "employee" means any employee of a school district or charter school in this State.

2. A school month in any public school in this State consists of 4 weeks of 5 days each.

3. Nothing contained in this section prohibits the payment of employees' compensation in 12 equal monthly payments for 9 or more months' work.

4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between the duration of the absence and the total number of contracted workdays in the year.

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees. In addition, boards of trustees may either prescribe by regulation or negotiate pursuant to chapter 288 of NRS with respect to the payment of unused sick leave to licensed teachers in the form of purchase of service pursuant to subsection 4 of NRS 286.300. The amount of service so purchased must not exceed the number of hours of unused sick leave or 1 year, whichever is less.

6. The salary of any employee unavoidably absent because of personal illness, accident or motor vehicle crash, or because of serious illness, accident, motor vehicle crash or death in the family, may be paid up to the number of days of sick leave accumulated by the employee. An employee may not be credited with more than 15 days of sick leave in any 1 school year. Except as otherwise provided in this subsection, if an employee takes a position with another school district or charter school, all sick leave that the employee has accumulated must be transferred from the employee's former school district or charter school to his or her new school district or charter school. The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to the applicable negotiated agreement or the policy of the district or charter school into which the employee transferred. Unless the applicable negotiated agreement or policy of the employing district or charter school provides otherwise, such an employee:

(a) Shall first use the sick leave credited to the employee from the district or charter school into which the employee transferred before using any of the transferred leave; and

(b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.

7. Subject to the provisions of subsection 8:

(a) If an intermission of less than 6 days is ordered by the board of trustees of a school district or the governing body of a charter school for any good reason, no deduction of salary may be made therefor.

(b) If, on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees of a school district, the governing body of a charter school or a board of health and the intermission or closing does not exceed 30 days at any one time, there may be no deduction or discontinuance of salaries.

8. If the board of trustees of a school district or the governing body of a charter school orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those reasons contained in paragraph (b) of subsection 7, an employee may be required to render his or her services to the school district or charter school

during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.

9. If any subject referred to in this section is included in an agreement or contract negotiated by:

(a) The board of trustees of a school district pursuant to chapter 288 of NRS; or

(b) The governing body of a charter school pursuant to NRS 388A.533, ~~or 388B.400 to 388B.450, inclusive,~~

→ the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.

Sec. 29. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district or the State Public Charter School Authority ~~the Achievement School District~~ or a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 2 of NRS 385A.240;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, “family resource center” has the meaning ascribed to it in NRS 430A.040.

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 30. NRS 41.0305 is hereby amended to read as follows:

41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term “political subdivision” includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the definition of an “eligible entity” pursuant to 42 U.S.C. § 9902, the Nevada Rural Housing Authority, an airport authority created by special act of the Legislature, a regional transportation commission and a fire protection district, an irrigation district, a school district, ~~the Achievement School District,~~ the governing body of a charter school, any other special district that performs a governmental function, even though it does not exercise general governmental powers, and the governing body of a university school for profoundly gifted pupils.

Sec. 31. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

- (a) Salary or wage rates or other forms of direct monetary compensation.
- (b) Sick leave.
- (c) Vacation leave.
- (d) Holidays.
- (e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.
- (f) Insurance benefits.
- (g) Total hours of work required of an employee on each workday or workweek.

- (h) Total number of days' work required of an employee in a work year.
 - (i) Except as otherwise provided in subsections 6 and ~~[10,] 9~~, discharge and disciplinary procedures.
 - (j) Recognition clause.
 - (k) The method used to classify employees in the bargaining unit.
 - (l) Deduction of dues for the recognized employee organization.
 - (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
 - (n) No-strike provisions consistent with the provisions of this chapter.
 - (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
 - (p) General savings clauses.
 - (q) Duration of collective bargaining agreements.
 - (r) Safety of the employee.
 - (s) Teacher preparation time.
 - (t) Materials and supplies for classrooms.
 - (u) Except as otherwise provided in subsections ~~[7, 9 and 10,] 7 and 9~~, the policies for the transfer and reassignment of teachers.
 - (v) Procedures for reduction in workforce consistent with the provisions of this chapter.
 - (w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.
3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:
- (a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.
 - (b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.
 - (c) The right to determine:
 - (1) Appropriate staffing levels and work performance standards, except for safety considerations;
 - (2) The content of the workday, including without limitation workload factors, except for safety considerations;
 - (3) The quality and quantity of services to be offered to the public; and
 - (4) The means and methods of offering those services.
 - (d) Safety of the public.
4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:
- (a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits

during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➔ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

7. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7

or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

9. ~~{The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.~~

~~10.}~~ The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

~~11.}~~ 10. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~12.}~~ 11. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~13.}~~ 12. As used in this section {:

~~(a) "Abuse"}, "abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.~~

~~(b) "Achievement charter school" has the meaning ascribed to it in NRS 385.007.}~~

Sec. 32. NRS 332.185 is hereby amended to read as follows:

332.185 1. Except as otherwise provided in subsection 2 and NRS 244.1505 and 334.070, all sales of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property. The governing body or its authorized representative may dispose of personal property of the local government by any manner, including, without limitation, at public auction, if the governing body or its authorized representative determines that the property is no longer required for public use and deems such action desirable and in the best interests of the local government.

2. The board of trustees of a school district may donate surplus personal property of the school district to any other school district in this State ~~[to the Achievement School District]~~ or to a charter school that is located within the school district without regard to:

- (a) The provisions of this chapter; or
- (b) Any statute, regulation, ordinance or resolution that requires:
 - (1) The posting of notice or public advertising.
 - (2) The inviting or receiving of competitive bids.
 - (3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

Sec. 33. NRS 361.065 is hereby amended to read as follows:

361.065 All lots, buildings and other school property owned by any legally created school district ~~[the Achievement School District]~~ or a charter school within the State and devoted to public school purposes are exempt from taxation.

Sec. 34. Chapter 656A of NRS is hereby amended by adding thereto a new section to read as follows:

“Charter school” has the meaning ascribed to it in NRS 385.007.

Sec. 35. NRS 656A.020 is hereby amended to read as follows:

656A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 656A.025 to 656A.065, inclusive, *and section 34 of this act* have the meanings ascribed to them in those sections.

Sec. 36. 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. 37. 1. On the effective date of this act, ~~[the governing body of an]~~ any achievement charter school and any application to operate an achievement charter school pursuant to NRS 388B.200 that has been approved shall be deemed to be approved by the State Public Charter School Authority to operate as a charter school sponsored by the State Public Charter School Authority.

2. As soon as possible after the effective date of this act, ~~[the governing body of an achievement charter school shall enter into]~~ a charter contract pursuant to NRS 388A.270 must be entered into with the State Public Charter School Authority ~~[]~~ for each school described in subsection 1 to operate as a charter school. Upon the execution of such a contract, the school shall be deemed a charter school for all purposes and is subject to the provisions of chapter 388A of NRS. A contract to operate ~~[the]~~ an achievement charter school entered into pursuant to paragraph (d) of subsection 1 of NRS 388B.210 before the effective date of this act is void on the date on which the charter contract is executed or on July 1, 2020, whichever occurs sooner.

3. Until a charter contract is entered into pursuant to subsection 2 or the contract to operate an achievement charter school is void pursuant to

subsection 2, the State Public Charter School Authority shall be deemed the sponsor of the achievement charter school and shall assume the duties prescribed for the Executive Director of the Achievement School District in any contract to operate the achievement charter school entered into pursuant to paragraph (d) of subsection 1 of NRS 388B.210, as that section existed before the effective date of this act.

4. As used in this section:

(a) “Achievement charter school” has the meaning ascribed to it in NRS 385.007, as that section existed before the effective date of this act.

(b) “Charter school” has the meaning ascribed to it in NRS 385.007, as amended by section 2 of this act.

Sec. 38. Notwithstanding the selection of any school before the effective date of this act for conversion to an achievement charter school pursuant to NRS 388B.200 beginning with the 2020-2021 school year, no action may be taken on or after the effective date of this act to complete the conversion or operate the school as an achievement charter school and any contract entered into to operate the school as an achievement charter school is void.

Sec. 39. 1. Any regulations adopted by the Department of Education pursuant to NRS 388B.060 are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the effective date of this act.

2. 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. 40. NRS 0.0302, 0.0307, 388A.025, 388B.010, 388B.020, 388B.030, 388B.040, 388B.050, 388B.060, 388B.100, 388B.110, 388B.120, 388B.200, 388B.210, 388B.220, 388B.230, 388B.240, 388B.250, 388B.260, 388B.270, 388B.280, 388B.290, 388B.400, 388B.410, 388B.420, 388B.430, 388B.440 and 388B.450 are hereby repealed.

Sec. 41. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

0.0302 “Achievement School District” defined.

0.0307 “Charter school” defined.

388A.025 “Charter school” defined.

388B.010 Definitions.

388B.020 “Charter management organization” defined.

388B.030 “Educational management organization” defined.

388B.040 “Executive Director” defined.

388B.050 “Public school” defined.

388B.060 Regulations.

388B.100 Creation; employees.

388B.110 Executive Director: Appointment; powers and duties.

388B.120 Account for the Achievement School District: Creation; administration; use; deposit of gifts, grants and bequests; claims.

388B.200 Conversion to achievement charter school: Eligibility; approval by State Board; selection of school; notification to school.

388B.210 Duties of Executive Director concerning conversion of school to achievement charter school; regulations that prescribe process to apply to operate achievement charter school; approval of application to operate more than one achievement charter school.

388B.220 Sponsor; appointment of governing body; Executive Director authorized to terminate contract to operate achievement charter school before expiration of contract.

388B.230 Selection and duties of principal; retention and reassignment of employees; requirement to operate in same building; building costs and expenses; capital projects; enrollment requirement; limitation on loans, advances and other monetary charges.

388B.240 Achievement charter school deemed local educational agency; Department to pay special education program units to eligible achievement charter school.

388B.250 Applicability of charter school provisions to achievement charter schools; waiver of certain requirements concerning operation.

388B.260 Board of trustees to provide services and facilities upon request of Executive Director; donation of surplus property of school district; authorization to acquire or purchase buildings, structures or property and engage in certain financial transactions.

388B.270 Application for money for facilities; certain achievement charter schools required to submit quarterly report of financial status.

388B.280 Participation by pupils in class or activity of school district in which pupil resides; revocation of approval to participate.

388B.290 Evaluation of achievement charter school during sixth year of operation; actions taken based upon results of evaluation; actions required if school that has not made adequate progress continues to operate as achievement school district; conversion to public school or charter school.

388B.400 Leave of absence from school district to accept or continue employment with achievement charter school; return of licensed employee to school district.

388B.410 Employees deemed to be public employees; terms and conditions of employment; transfer of employment records with school district to governing body.

388B.420 Reassignment of licensed employees upon termination of contract or cessation of operation as achievement charter school.

388B.430 Governing body to transmit employment record to school district upon request of board of trustees; investigation into misconduct during leave of absence.

388B.440 Eligibility for benefits of licensed employee on leave of absence; effect of leave of absence; eligibility of employee of achievement charter school for benefits.

388B.450 Determination of appropriate level of contribution toward retirement benefits; participation in plan of group insurance offered to employees of school district.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 982 to Senate Bill No. 321 revises Section 37 which requires any application to operate an achievement charter school that has been approved shall be deemed to be approved by the State Public Charter School Authority to operate as a charter school and requires that a charter contract be entered into with the State Public Charter School Authority for each school described in subsection 1 of Section 37.

This enables schools which are currently operating will continue to function without having to reapply.

Amendment adopted.

Bill read third time.

Remarks by Senators Dondero Loop and Hammond.

SENATOR DONDERO LOOP:

Senate Bill No. 321, as amended, abolishes the Achievement School District and requires the existing schools sponsored by the Achievement School District in any application to operate an achievement charter school that has been approved to convert to a charter school under the sponsorship of the State Public Charter School Authority or cease operations. This bill further requires the governing body of an Achievement Charter School to enter into a charter contract with the State Public Charter School Authority and operate under existing governing charter schools by July 1, 2020.

SENATOR HAMMOND:

I rise in opposition to the bill; although, I will say to the sponsor I do appreciate the amendment that was added. It allays the fears many school administrators, teachers and parents in those schools had when we began this process. The one concern was about contracts entered into by the Achievement School Districts (ASD) with charters; we did not know for sure if those could be broken by the State. The purpose of the ASD was as an instrument given to families at the most chronically underperforming schools. It gave them a recourse to find schools in their area that would give their children hope for a brighter future. Although it did not completely live up to its intended goal, it was still a tool. We may have been a couple of years from that realization, but it was something there for families. This is why I object to getting rid of this so quickly after its implementation. I do not like to see rollbacks when we are taking away the opportunity from families to make a difference in their own communities and have a say in the education of their children. For those reasons, I will be voting no on this bill.

Roll call on Senate Bill No. 321:

YEAS—13.

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

Senate Bill No. 321 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 512, 514, 533, 535, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 293, 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

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

Motion carried.

Senate in recess at 2:25 p.m.

SENATE IN SESSION

At 2:27 p.m.

President Marshall presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 510.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 983.

SUMMARY—Makes an appropriation to the Department of Employment, Training and Rehabilitation for a ~~database~~ new business management system. (BDR S-1186)

AN ACT making an appropriation to the Department of Employment, Training and Rehabilitation for a ~~database~~ new business management system; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Department of Employment, Training and Rehabilitation the sum of \$352,000 for ~~access to the database~~ a new business management system for the Commission on Postsecondary Education to serve as the State approving agency for the VA Educational Benefits program and Alcohol Awareness programs for the issuance of Alcohol Beverage Awareness cards.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation was made or any entity to which money from the appropriation was granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or

transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 3. This act becomes effective upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

This amendment makes a change in Section 1 of Senate Bill No. 510 to clarify the one-shot appropriation is intended for the purchase a new business management system, not access to a database system.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 516.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 984.

SUMMARY—Makes appropriations to the State Board of Parole Commissioners for the replacement of certain equipment. (BDR S-1195)

AN ACT making appropriations to the State Board of Parole Commissioners for the replacement of computer software and hardware, video conferencing equipment and hearing room chairs; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the State Board of Parole Commissioners of the Department of Public Safety the sum of ~~[\$43,249]~~ \$67,675 for the replacement of computer software and hardware.

Sec. 2. There is hereby appropriated from the State General Fund to the State Board of Parole Commissioners of the Department of Public Safety the sum of \$87,555 for the replacement of video conferencing equipment.

Sec. 3. There is hereby appropriated from the State General Fund to the State Board of Parole Commissioners of the Department of Public Safety the sum of \$11,380 for the replacement of hearing room chairs.

Sec. 4. Any remaining balance of the appropriations made by sections 1, 2 and 3 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 984 to Senate Bill No. 516 increases the General Fund appropriation in Section 1 from \$43,249 to \$67,675 for the replacement of computer software and hardware for the State Board of Parole Commissioners.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 517.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 987.

SUMMARY—Makes appropriations to the Nevada Highway Patrol for ~~maintenance and support of the radio system,~~ replacement of computer hardware and software ~~and~~ and mobile data computers and for portable and mobile radio equipment. (BDR S-1224)

AN ACT making appropriations to the Nevada Highway Patrol for ~~maintenance and support of the radio system,~~ replacement of computer hardware and software ~~and~~ and mobile data computers and for portable and mobile radio equipment; and providing other matters properly relating thereto.

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

Section 1. ~~There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$676,547 for maintenance and support of the radio system.~~ (Deleted by amendment.)

Sec. 2. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$264,871 for the replacement of computer hardware and software equipment.

Sec. 3. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of ~~\$1,118,772~~ \$620,228 for the replacement of mobile data computers.

Sec. 4. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$95,715 for portable and mobile radio equipment.

Sec. 5. Any remaining balance of the appropriations made by sections ~~1 to 4, inclusive,~~ 2, 3 and 4 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 17, 2021.

Sec. 6. This act becomes effective upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 987 to Senate Bill No. 517 makes the following changes: Section 1 is eliminated. The agency indicated the replacement of radios would be at no cost to the Nevada Highway Patrol. Section 3 reduces the Highway Fund appropriation to \$620,228 to reflect the State's portion of the replacement of mobile data computers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 943.

SUMMARY—Makes an appropriation to the Office of Finance for a Snowcat vehicle for winter access to the pump house and dam at Marlette Lake. (BDR S-1228)

AN ACT making an appropriation to the Office of Finance for a Snowcat vehicle for winter access to the pump house and dam at Marlette Lake; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of \$190,500 for a Snowcat vehicle for winter access to the pump house and dam at Marlette Lake.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation was made or any entity to which money from the appropriation was granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 3. This act becomes effective ~~on July 1, 2019,~~ upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 943 to Senate Bill No. 519 changes the effective date from July 1, 2019, to upon passage and approval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 525.

Bill read second time.

The following amendment was proposed by the Committee on Finance:
Amendment No. 944.

SUMMARY—Makes appropriations to the Division of Forestry for equipment and maintenance. (BDR S-1179)

AN ACT making appropriations to the Division of Forestry for equipment and maintenance; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of ~~[\$4,500,000]~~ \$4,610,000 for the replacement of a helicopter.

Sec. 2. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of ~~[\$485,088]~~ \$517,017 for the replacement of wood chippers.

Sec. 3. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of ~~[\$711,651]~~ \$729,518 for the replacement of emergency response and service vehicles.

Sec. 4. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of ~~[\$2,594,544]~~ \$510,000 for deferred maintenance projects.

Sec. 5. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of ~~[\$218,295]~~ \$243,126 for the replacement of mobile incident kitchen trailers for the Forestry Conservation Camps.

Sec. 6. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of ~~[\$2,234,850]~~ \$2,527,420 for the replacement of emergency ~~response fire fighting and resource equipment~~ crew carriers for the Forestry Conservation Camps for the Fiscal Year 2019-2020.

Sec. 7. There is hereby appropriated from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of ~~[\$2,103,642]~~ \$310,000 for deferred maintenance projects for the Forestry Conservation Camps for the Fiscal Year 2019-2020.

Sec. 8. ~~11.~~ Any remaining balance of the appropriations made by sections 1 to ~~5.~~ 7. inclusive, of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by

either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

~~[2. Any remaining balance of the appropriations made by sections 6 and 7 of this act must not be committed for expenditure after June 30, 2020, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020.]~~

Sec. 9. ~~[1. This section and sections 1 to 5, inclusive, and 8 of this act become]~~ This act becomes effective upon passage and approval.

~~[2. Sections 6 and 7 of this act become effective on July 1, 2019.]~~

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 944 to Senate Bill No. 525 updates the amounts appropriated for equipment based on current price quotes in Sections 1 through 3, 5 and 6; it reduces the amounts appropriated for deferred maintenance projects in Sections 4 and 7 by adjusting the amounts appropriated for equipment and deferred maintenance projects. The amendment reduces total General Fund appropriations by \$3.4 million from \$12,848,070 to \$9,447,081; clarifies the types of equipment to be replaced in Sections 3 and 6; provides for expenditure through Fiscal Year 2021 for all equipment and deferred maintenance projects funded in the act in Sections 6, 7 and 8; and it also revises the effective date of the act, to become effective upon passage and approval in Section 9.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 526.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 945.

SUMMARY—Makes appropriations to the Nevada Highway Patrol for the replacement of patrol vehicles and motorcycles. (BDR S-1223)

AN ACT making appropriations to the Nevada Highway Patrol for the replacement of patrol vehicles and motorcycles; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$13,282,242 for the replacement of patrol vehicles ~~and motorcycles.~~

Sec. 2. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of \$256,712 for the replacement of patrol ~~vehicles.~~ motorcycles.

Sec. 3. Any remaining balance of the appropriations made by sections 1 and 2 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 17, 2021.

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 945 to Senate Bill No. 526 revises the language to clarify that Highway Fund appropriations contained in Section 1 is for the replacement of patrol vehicles and that the Highway Funds appropriated in Section 2 is for the replacement of patrol motorcycles.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 532.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 938.

SUMMARY—Makes ~~an~~ supplemental ~~appropriation~~ appropriations to the Division of Health Care Financing and Policy for an increase in the Medicaid cost-per-eligible participant and decrease in intergovernmental transfer revenue for Fiscal Years 2017-2018 and 2018-2019 ~~and for unanticipated expenses for the Nevada Check-Up Program.~~ and for unanticipated expenses for the Nevada Check-Up Program. (BDR S-1232)

AN ACT making a supplemental appropriation to and authorizing the expenditure of money by the Division of Health Care Financing and Policy for an increase in the Medicaid cost-per-eligible participant and decrease in intergovernmental transfer revenue for Fiscal Years 2017-2018 and 2018-2019 ~~authorizing the expenditure of money for the same purposes;~~ and making a supplemental appropriation to the Divison for unanticipated expenses for the Nevada Check-Up Program; 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 Division of Health Care Financing and Policy of the Department of Health and Human Services the sum of ~~[\$14,493,387]~~ \$17,808,203 for an increase in the Medicaid cost-per-eligible participant and decrease in intergovernmental transfer revenue for the Fiscal Years 2017-2018 and 2018-2019. This appropriation is supplemental to that made by section 17 of chapter 396, Statutes of Nevada 2017, at page 2637.

~~{Sec. 2}~~ 2. Expenditure of ~~[\$115,587,508]~~ \$25,839,364 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during the fiscal year beginning on July 1, 2019, and ending on June 30, 2020, by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in ~~section 1 of this act.~~ subsection 1. This authorization is supplemental to that made by section 1 of chapter 397, Statutes of Nevada 2017, at page 2654.

Sec. 2. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services the sum of \$37,065 for unanticipated expenses for the support of the Nevada Check-Up Program. This appropriation is supplemental to that made by section 17 of chapter 396, Statutes of Nevada 2017, at page 2637.

Sec. 3. This act becomes effective upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 838 to Senate Bill No. 532 makes the several changes to the bill. In Section 1, the amendment increases the supplemental General Fund appropriation for the Medicaid program from \$14,493,387 to \$17,808,203 and decreases the authorization of funds not appropriated from the General Fund or Highway Fund from \$115,587,508 to \$25,839,364 to align with updated projections and to provide a 10-percent contingency due to variability in cost projections. Amendment No. 938 to Senate Bill No. 532 adds Section 2 to provide a supplemental General Fund appropriation to the Check Up program in the amount of \$37,065 due to unanticipated program costs and to provide a 10-percent contingency due to variability in cost projections.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 534.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 946.

SUMMARY—Makes an appropriation from the State General Fund to the ~~Office of Finance~~ Department of Transportation for the replacement of the Nevada State Radio System. (BDR S-1168)

AN ACT making an appropriation from the State General Fund to the ~~Office of Finance~~ Department of Transportation for the replacement of the Nevada State Radio System; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the ~~Office of Finance in the Office of the Governor~~ Department of Transportation the sum of ~~[\$4,090,651]~~ \$3,645,989 for the replacement of the Nevada State Radio System.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from

the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 3. This act becomes effective upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 946 to Senate Bill No. 534 appropriates funding to the Department of Transportation instead of the Governor's Office of Finance. It revises the amount to be appropriated from \$4,090,651 to \$3,645,989.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 512.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 989.

SUMMARY—Makes appropriations to the Nevada Gaming Control Board for modernization of the technology system and replacement of security system equipment ~~and~~ and extends the reversion date of a previous appropriation made to the Board for certain costs related to the Alpha Migration Project. (BDR S-1188)

AN ACT relating to the Nevada Gaming Control Board; making appropriations to the ~~Nevada Gaming Control~~ Board for the costs of modernization of the technology system and replacement of security system equipment; extending the reversion date of the appropriation made by the 79th Session of the Nevada Legislature to the Board for certain in-state travel costs related to the Alpha Migration Project; 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 Nevada Gaming Control Board the sum of \$7,218,698 for the Alpha Migration Project to modernize the COBOL-based computer system to a modern technology system.

2. There is hereby appropriated from the State General Fund to the Nevada Gaming Control Board the sum of \$143,211 for the replacement of security system equipment in both the Carson City office and the Gaming lab.

Sec. 2. Any remaining balance of the appropriations made by section 1 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose

after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 3. Section 2 of chapter 408, Statutes of Nevada 2017, at page 2740, is hereby amended to read as follows:

Sec. 2. 1. Any remaining balance of the ~~[appropriations]~~ appropriation made by subsection 1 of section 1 of this act must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

2. Any remaining balance of the appropriation made by subsection 2 of section 1 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

~~[Sec. 3.]~~ *Sec. 4. This act becomes effective upon passage and approval. Senator Woodhouse moved the adoption of the amendment.*

Remarks by Senator Woodhouse.

Amendment No. 989 to Senate Bill No. 512 authorizes unobligated one-shot General Funds appropriated through Assembly Bill No. 506 of the 2017 Session for in-state travel for staff of the Nevada Gaming Control Board to support the Alpha Migration Project to be used for the same purposes in the 2019-2021 biennium. Any remaining balance must not be committed for expenditure after June 30, 2021, and any remaining funds must revert to the State General Fund on or before September 17, 2021.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 514.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 988.

SUMMARY—Makes an appropriation to the Interim Finance Committee for allocation to the Central Repository for Nevada Records of Criminal History for replacement of the Nevada Criminal Justice Information System, ~~[and authorizes the expenditure of nonappropriated money for the same purpose.]~~ (BDR S-1192)

AN ACT making an appropriation to the Interim Finance Committee for allocation to the Central Repository for Nevada Records of Criminal History for replacement of the Nevada Criminal Justice Information System; ~~authorizing the expenditure of nonappropriated money for the same purpose;~~ and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation pursuant to subsection 2 to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety the sum of ~~(\$11,500,000)~~ \$6,994,026 for replacement of the Nevada Criminal Justice Information System.

2. ~~Expenditure of \$3,955,300 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2019-2020 and Fiscal Year 2020-2021 by the Central Repository for Nevada Records of Criminal History for the same purpose as set forth in subsection 1.~~ Money appropriated by subsection 1 is available for both Fiscal Year 2019-2020 and 2020-2021 and may be allocated by the Interim Finance Committee to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety for replacement of the Nevada Criminal Justice Information System upon presentation to the Interim Finance Committee of a project plan and an itemization of related costs.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 3. This act becomes effective upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Senate Bill No. 514, as amended, makes the following changes: in Section 1 it reduces the General Fund appropriation to \$6,994,026 in order to align the General Fund apportionment of the Nevada Criminal Justice Information System Modernization Project to provide by the money committees and places the funds into the Interim Finance Committee Contingency Account. In Section 2 it eliminates duplicative authority already provided in the agency's budget. Also, it includes provisions allowing the funds to be made available in both years of the 2019-2021 biennium and requires the Records, Communications and Compliance Division to present a project plan and an itemization of related costs prior to allocation by the Interim Finance Committee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 533.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 985.

SUMMARY—Makes an appropriation to the ~~{Office of Finance}~~ Interim Finance Committee for allocation to Nevada Museum of Art, Inc. for the statewide expansion plan for the Northern and Southern Museum of Arts. (BDR S□1167)

AN ACT making an appropriation to the ~~{Office of Finance}~~ Interim Finance Committee for allocation to Nevada Museum of Art, Inc. for the statewide expansion plan for the Northern and Southern Museum of Arts; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the ~~{Office of Finance in the Office of the Governor}~~ Interim Finance Committee the sum of \$5,000,000 for allocation pursuant to section 1.5 of this act to Nevada Museum of Art, Inc. for the statewide expansion plan for the Northern and Southern Museum of Arts.

Sec. 1.5. 1. Allocation of the money appropriated by section 1 of this act must be contingent upon matching money being obtained by Nevada Museum of Art, Inc., including, without limitation, gifts, grants and donations to Nevada Museum of Art, Inc. from private and public sources of money other than the appropriation made by section 1 of this act. The Interim Finance Committee shall not direct the transfer of any portion of money from the appropriation made by section 1 of this act until Nevada Museum of Art, Inc. submits to the Committee proof satisfactory to the Committee that matching money in an equivalent amount has been committed.

2. Upon acceptance of the money allocated pursuant to subsection 1, Nevada Museum of Art, Inc. agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 18, 2020, that describes each expenditure made from the money allocated pursuant to subsection 1 from the date on which the money was received by Nevada Museum of Art, Inc. through December 1, 2020;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 17, 2021, that describes each expenditure made from the money allocated pursuant to subsection 1 from the date on which the money was received by Nevada Museum of Art, Inc. through June 30, 2021; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of Nevada Museum of Art, Inc., regardless of their form or location, that the Legislative Auditor

deems necessary to conduct an audit of the use of the money allocated pursuant to subsection 1.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 3. This act becomes effective upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 985 to Senate Bill No. 533 makes several changes to the bill. It changes the allocation of the General Fund appropriation from the Office of Finance in the Office of the Governor to the Interim Finance Committee for allocation to the Nevada Museum of Arts. It also adds a new Section 1.5 requiring the Nevada Museum of Art provide proof satisfactory to the Interim Finance Committee that matching money in an equivalent amount has been committed prior to the allocation; it also adds reporting requirements detailing expenditures made with the appropriation to the Interim Finance Committee; and it provides the Nevada Museum of Art must make available various financial and operational documents upon the request of the Legislative Commission to the Legislative Auditor for purposes to conduct an audit.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 535.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 936.

SUMMARY—Revises provisions governing the financial support for programs for the prevention and treatment of problem gambling. (BDR 41-1200)

AN ACT relating to gaming; revising provisions governing the financial support for programs for the prevention and treatment of problem gambling; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Revolving Account to Support Programs for the Prevention and Treatment of Problem Gambling. The Director of the Department of Health and Human Services administers the Account and is authorized to use the money in the Account to award grants of money or contracts for services to providers of programs for the prevention and treatment of problem gambling and for other related services. (NRS 458A.090) Under existing law, the Nevada Gaming Commission is required to deposit quarterly into the Revolving Account an amount that is equal to \$2 for each slot machine on which the Commission collects certain gaming license

fees. (NRS 463.320) This bill ~~requires instead that the Nevada Gaming Commission deposit monthly in the Revolving Account an amount that is equal to 0.6 percent of the money collected by the Commission from the fee imposed on state gaming licensees based on their gross revenue.~~ eliminates that requirement.

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

Section 1. NRS 463.320 is hereby amended to read as follows:

463.320 1. All gaming license fees imposed by the provisions of NRS 463.370, 463.373 to 463.383, inclusive, and 463.3855 must be collected and disposed of as provided in this section.

2. All state gaming license fees and penalties must be collected by the Commission and paid over immediately to the State Treasurer to be disposed of as follows:

(a) Except as otherwise provided in paragraphs (c) ~~and (d)~~, ~~and (e)~~, all state gaming license fees and penalties other than the license fees imposed by the provisions of NRS 463.380 must be deposited for credit to the State General Fund.

(b) All state gaming license fees imposed by the provisions of NRS 463.380 must, after deduction of costs of administration and collection, be divided equally among the various counties and transmitted to the respective county treasurers. Such fees, except as otherwise provided in this section, must be deposited by the county treasurer in the county general fund and be expended for county purposes. If the board of county commissioners desires to apportion and allocate all or a portion of such fees to one or more cities or towns within the county, the board of county commissioners shall, annually, before the preparation of the city or town budget or budgets as required by chapter 354 of NRS, adopt a resolution so apportioning and allocating a percentage of such fees anticipated to be received during the coming fiscal year to such city or cities or town or towns for the next fiscal year commencing July 1. After the adoption of the resolution, the percentage so apportioned and allocated must be converted to a dollar figure and included in the city or town budget or budgets as an estimated receipt for the next fiscal year. Quarterly, upon receipt of the money from the State, the county treasurer shall deposit an amount of money equal to the percentage so apportioned and allocated to the credit of the city or town fund to be used for city or town purposes, and the balance remaining must be deposited in the county general fund and must be expended for county purposes.

(c) One twenty-fifth of the license fee imposed by the provisions of NRS 463.370 on gross revenue which exceeds \$134,000 per calendar month that is paid pursuant to subsection 2 of NRS 464.045 by persons licensed to conduct off-track pari-mutuel wagering must, after the deduction of costs of administration and collection, be allocated pro rata among the counties in this State whose population is less than 100,000 in which on-track pari-mutuel

wagering is conducted. The allocation must be based upon the amounts paid from each such county pursuant to subsection 2 of NRS 466.125 and transmitted to the respective county treasurers. Money received by a county treasurer pursuant to this paragraph must be deposited in the county general fund and expended to augment any stakes, purses or rewards which are offered with respect to horse races conducted in that county by a state fair association, agricultural society or county fair and recreation board.

(d) Ten percent of the amount of the license fee imposed by the provisions of NRS 463.370 that is paid pursuant to subsection 2 of NRS 464.045 by persons licensed to conduct off-track pari-mutuel wagering which exceeds \$5,036,938 per calendar year must, after the deduction of costs of administration and collection, be allocated pro rata among the counties in this State whose population is less than 100,000 in which on-track pari-mutuel wagering is conducted. The allocation must be based upon the amounts paid from each such county pursuant to subsection 2 of NRS 466.125 and must be transmitted to the respective county treasurers as provided in this paragraph. On March 1 of each year, the Board shall calculate the amount of money to be allocated to the respective county treasurers and notify the State Treasurer of the appropriate amount of each allocation. The State Treasurer shall transfer the money to the respective county treasurers. Money received by a county treasurer pursuant to this paragraph must be deposited in the county general fund and expended to augment any stakes, purses or rewards which are offered with respect to horse races conducted in that county by a state fair association, agricultural society or county fair and recreation board.

~~[(e) The Commission shall deposit [quarterly] monthly in the Revolving Account to Support Programs for the Prevention and Treatment of Problem Gambling created by NRS 458A.090 an amount equal to [\$2 for each slot machine that is subject to] 0.6 percent of the license fee [imposed pursuant to NRS 463.373 and 463.375 and] collected by the Commission [.] pursuant to NRS 463.370.]~~

Sec. 2. This act becomes effective on July 1, 2019.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 936 to Senate Bill No. 535 revises Section 1 of the bill by deleting the provisions of paragraph (e) of subsection 2. Removing this provision eliminates the requirement for .6 percent of the monthly Gaming Percentage Fee tax to be allocated to the Account to Support Programs for the Prevention and Treatment of Problem Gambling as recommended by the Governor in the Executive Budget. This amendment is necessary to implement the decision approved by Senate Finance and Assembly Ways and Means Committees to fund this program with General Fund appropriations rather than earmarking a portion of the gaming taxes or fees to fund the program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 293.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 931.

SUMMARY—Makes various changes relating to children who are victims of commercial sexual exploitation. (BDR 38□517)

AN ACT relating to protection of children; requiring the ~~appointment of a~~ creation of the position of coordinator of services for commercially sexually exploited children; requiring the coordinator to develop a plan to establish the infrastructure to provide treatment, housing and services to such children and perform certain other duties relating to the provision of housing and services for such children; prohibiting the adjudication of a child as delinquent or in need of supervision, or the placement of a child in a detention facility for certain offenses; requiring a juvenile court and certain other entities in the juvenile justice system to ~~transfer a commercially sexually exploited~~ report the commercial sexual exploitation of a child to ~~the~~ an agency which provides child welfare ~~system~~ services in certain circumstances; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure of foster homes. (NRS 424.020-424.090) Section 1 of this bill requires the Administrator of the Division of Child and Family Services of the Department of Health and Human Services to ~~appoint a~~ create the position of coordinator of services for commercially sexually exploited children ~~and employ or contract with a person to serve in that position.~~ Section 1 requires the coordinator, in collaboration with certain interested agencies and persons, to: (1) assess the current and anticipated needs of commercially sexually exploited children in this State; (2) evaluate any incentives necessary to recruit providers of housing for such children; and (3) develop a plan to establish the infrastructure to provide treatment, housing and services to such children. On or before October 1, 2020, section 16.5 requires the coordinator to submit to the Legislative Committee on Child Welfare and Juvenile Justice a formal proposal to establish the infrastructure described in the plan. Section 18 of this bill makes an appropriation for the costs of the coordinator.

Section 16 of this bill prohibits the adjudication of a child as delinquent or in need of supervision on or after July 1, 2022, for engaging in prostitution or solicitation for prostitution. Section 16 additionally prohibits placing a child in a state or local facility for the detention of children or adjudicating a child as delinquent or in need of supervision on or after July 1, 2022, for certain minor offenses committed in connection with commercial sexual exploitation. Section 16 further requires a juvenile court which finds, on or after July 1, 2022, that a commercially sexually exploited child has committed a ~~nonviolent act that would be a crime if committed by an adult from adjudicating the child as a delinquent child or a child in need of supervision~~

~~based on that act. Instead, the court is required to transfer the child to an agency which provides child welfare services for a determination whether the child is in need of protection and services. Section 16 further requires~~ such an offense or a juvenile justice agency that has reasonable cause to believe that a child in its custody is or has been ~~for~~ commercially sexually exploited to report the commercial sexual exploitation of the child to ~~transfer the child to the custody of~~ an agency which provides child welfare services.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The Administrator of the Division shall appoint a~~ create the position of coordinator of services for commercially sexually exploited children. ~~The coordinator is an employee of the Division who serves at the pleasure of the Administrator and is in the unclassified service of the State.~~ The Administrator may employ or enter into a contract with a person to serve in that position.

2. The coordinator of services for commercially sexually exploited children shall ~~for~~, in collaboration with other state and local agencies, including, without limitation, agencies which provide child welfare services and juvenile justice agencies, and other interested persons, including, without limitation, nonprofit organizations that provide legal services and persons who advocate for victims:

(a) Assess existing gaps in services for commercially sexually exploited children;

(b) Assess the needs for services and housing of commercially sexually exploited children in this State and the anticipated needs for services and housing of such children in the future, including, without limitation, the range of services and housing that are currently needed and will be required to meet anticipated needs;

(c) Evaluate any incentives necessary to recruit providers of housing for commercially sexually exploited children that meet the criteria prescribed in paragraph (a) of subsection 3; and

(d) Develop a plan to establish the infrastructure to provide treatment, housing and services to commercially sexually exploited children that meets the requirements of subsection 3 and update the plan as necessary.

3. The plan developed pursuant to paragraph (d) of subsection 2 must include, without limitation, plans to:

(a) Provide specialized, evidence-based forms of housing, including, without limitation and where feasible and appropriate, home-based housing, to meet the needs of each commercially sexually exploited child in this State. ~~The majority of such housing must consist of foster homes, and the remainder~~

~~of such housing must consist of other evidence based forms of housing for commercially sexually exploited children.~~ All housing provided pursuant to this paragraph must:

(1) To the extent appropriate, allow residents freedom of movement inside and outside the house;

(2) Be secured from intrusion;

(3) To the extent appropriate, allow residents privacy and autonomy;

(4) Provide a therapeutic environment to address the needs of commercially sexually exploited children;

(5) Coordinate with persons and entities that provide services to residents; and

(6) Be operated by persons who have training concerning the specific needs of commercially sexually exploited children and practices for interacting with victims of trauma.

(b) Recruit providers of housing that meet the requirements of paragraph (a).

(c) Provide services to providers of housing for commercially sexually exploited children designed to increase the success of placements of such children.

(d) Provide legal representation to commercially sexually exploited children.

(e) Ensure that any secured placement for commercially sexually exploited children:

(1) Provides therapeutic treatment to assist the child in safely transitioning to a home-based placement; and

(2) Is temporary, subject to judicial review not later than 72 hours after the initiation of the placement and utilized only when necessary to:

(I) Return the child to a parent or legal guardian or to another jurisdiction; or

(II) Protect the child from further victimization or threats by a perpetrator of commercial sexual exploitation or a person acting on behalf of such a perpetrator.

4. As used in this section:

(a) "Commercially sexually exploited child" means any child who is sex trafficked in violation of NRS 201.300, a victim of sexual abuse or sexually exploited for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.

(b) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

(c) "Sexual abuse" has the meaning ascribed to it in NRS 432B.100.

~~(c)~~ (d) "Sexually exploited" has the meaning ascribed to it in NRS 432B.110.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A child must not be adjudicated as delinquent or in need of supervision for engaging in prostitution or solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030.

2. A child must not be placed in a state or local facility for the detention of children if:

(a) The child is alleged to have violated:

(1) The provisions of NRS 197.190, 207.200 or 463.350; or

(2) A county or municipal ordinance imposing a curfew on a child or prohibiting jaywalking or loitering for the purpose of solicitation for prostitution; and

(b) There is reasonable cause to believe that the child is a commercially sexually exploited child.

3. If a court finds that a child ~~is~~ ~~while a commercially sexually exploited child,~~ committed ~~a nonviolent~~ an act ~~that would be a crime if committed by an adult~~ described in subsection 2 and that clear and convincing evidence exists that the child committed the act in connection with commercial sexual exploitation, the court shall not adjudicate the child as a delinquent child or a child in need of supervision based on that act. Upon such a finding, the court shall ~~refer~~ report the commercial sexual exploitation of the child to an agency which provides child welfare services. ~~for a determination of whether the child is in need of protection and services related to the commercial sexual exploitation.~~

~~2.~~ 4. A juvenile justice agency that has reasonable cause to believe that a child in its custody is or has been a commercially sexually exploited child shall ~~request the court to transfer~~ report the commercial sexual exploitation of the child to ~~the custody of~~ an agency which provides child welfare services.

~~3.~~ 5. As used in this section:

(a) “Commercial sexual exploitation” means the sex trafficking of a child in violation of NRS 201.300 or the sexual abuse or sexual exploitation of a child for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.

(b) “Commercially sexually exploited child” has the meaning ascribed to it in section 1 of this act.

~~[(b)]~~ (c) “Juvenile justice agency” means the Youth Parole Bureau or a director of juvenile services.

Sec. 16.5. 1. As soon as practicable after the effective date of this ~~[act,]~~ section, the Administrator of the Division of Child and Family Services of the Department of Health and Human Services shall ~~[appoint]~~ employ or contract with a person to act as the coordinator of services for commercially sexually exploited children ~~[as required]~~ created pursuant to section 1 of this act.

2. On or before October 1, 2020, the coordinator of services for commercially sexually exploited children ~~[appointed]~~ employed or contracted with pursuant to subsection 1 shall submit to the Legislative Committee on Child Welfare and Juvenile Justice a formal proposal to carry out the plan to establish infrastructure to provide treatment and services to commercially sexually exploited children developed pursuant to section 1 of this act.

Sec. 17. (Deleted by amendment.)

Sec. 18. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the purpose described in subsection 2 the following sums:

For the Fiscal Year 2019-2020..... \$70,861

For the Fiscal Year 2020-2021..... \$88,701

2. The money appropriated by subsection 1 must be used to pay the costs of the coordinator of services for commercially sexually exploited children who is employed by or with whom the Division enters into a contract pursuant to section 1 of this act.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

~~[Sec. 18.]~~ Sec. 19. 1. This section and sections 1 and 16.5 of this act become effective upon passage and approval.

2. Section 18 of this act becomes effective on July 1, 2019.

3. Section 16 of this act becomes effective on July 1, 2022.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 931 to Senate Bill No. 293 adds language clarifying how a child who is, or may be considered, a commercially sexually exploited is to be adjudicated. Additionally, the amendment clarifies the conditions under which reports must be made to a child welfare agency related to a commercially sexually exploited child. Revisions relating to required components of, and participants of, the plan to be created pursuant to Section 1 were included in Amendment No. 931. The amendment also specified the coordinator position to be created by the Administrator of the Division of Child and Family Services may be an employee or contractor and appropriated General Funds for support of the position.

Amendment adopted.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 293, as amended, requires the Administrator of the Division of Child and Family Services to create a coordinator of services for commercially sexually exploited children. The coordinator must, among other things, assess the current and anticipated needs of commercially sexually exploited children in Nevada and develop and submit a plan to establish the infrastructure to provide treatment, housing and services to such children. Senate Bill No. 293, as amended, prohibits a child from being adjudicated as delinquent or in need of supervision for an offense of prostitution or solicitation for prostitution. Additionally, the measure prohibits a child from being placed in a detention facility for certain infractions if there is reasonable cause to believe the child is a commercially exploited child. Provisions of the bill also require a juvenile justice agency that has reasonable cause to believe a child in its custody is or has been a commercially sexually exploited child to make a report to a child welfare agency. As amended, Senate Bill No. 293 appropriates General Funds of \$70,861 in Fiscal Year 2020 and \$88,701 in Fiscal Year 2021 for a contracted position to carry out the duties proscribed in the bill. Provisions related to the appointment of the coordinator and the formal plan are effective upon passage and approval. Provisions related to the appropriation of General Funds are effective July 1, 2019. All other provisions are effective on July 1, 2022.

There is broad agreement when we have children who are recruited into and who become victims of commercial exploitation, meaning they are now committing the potential crime of prostitution, we would like to treat these young people as victims. The way our current system works, there is a mix of tools in the child welfare system and in the juvenile justice system. We have said for a long time we no longer see it as appropriate to be putting these children into the juvenile justice system. There was concern if we flip that switch without doing a good job of building the child welfare system to support these children, we would be doing a disservice. This bill puts a stake in the ground. The effective date of July 1, 2022 is the day we say we are no longer going to treat these children as if they are criminals; we are only going to treat them as they are victims. It acknowledges there is work to be done to make sure that we can keep these children safe while we are building the system. Given who we are as the State of Nevada, we should be leading the nation on this topic. What this bill does is put into place the directive and the staffing to pull all the stakeholders together to ensure by the time 2022 comes around we are fully implemented and are not criminalizing this behavior. I urge your support, and I urge us all to pay attention and continue to work on this issue.

Roll call on Senate Bill No. 293:

YEAS—21.

NAYS—None.

Senate Bill No. 293 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 485.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 934.

SUMMARY—Revises provisions relating to the education of certain children from Nevada who are patients or residents of certain hospitals or facilities. (BDR 34-397)

AN ACT relating to education; limiting the amount of reimbursement to which a hospital or other facility is entitled for educational services provided to certain pupils; authorizing certain hospitals or other facilities licensed in the District of Columbia or another state or territory of the United States to request reimbursement, under certain circumstances, for providing educational services to children in their care; revising the manner in which reimbursement is determined; authorizing the Department of Education, the county school districts, charter schools and the Division of Public and Behavioral Health of the Department of Health and Human Services to enter into a cooperative agreement for the provision of educational services to children with certain hospitals or other facilities licensed in another jurisdiction; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain hospitals and other facilities that provide residential treatment to children and also operate a licensed private school are authorized to request reimbursement from the Department of Education for the cost of providing educational services to a child who is verified to be a patient of the hospital or facility and attends the private school for more than 7 school days. Upon receiving such a request, the Department is required to determine the amount of reimbursement as a percentage of the basic support guarantee per pupil and withhold that amount from the school district or charter school where the child would attend school if the child were not in the hospital or facility. (NRS 387.1225) Existing law also authorizes the Department of Education, the county school districts, charter schools and the Division of Public and Behavioral Health of the Department of Health and Human Services to enter into a cooperative agreement for the provision of educational services at certain hospitals or other facilities that are licensed by the Division. (NRS 277.0655)

Section 1 of this bill limits the number of days of instruction per year for which a hospital or facility is entitled to reimbursement to the number of days of instruction in 1 school year. Section 1 also authorizes certain hospitals and other facilities licensed in the District of Columbia or another state or territory of the United States that provide residential treatment to children who are residents of Nevada and operate an accredited educational program for those children to also seek reimbursement from the Department of Education for the cost of providing such educational services. Section 1 removes the requirement that the amount of a reimbursement provided to a hospital or facility be

withheld from the school district or charter school where the child would attend school if the child were not in the hospital or facility, except with respect to the additional amount for providing education to a pupil with a disability.

Section 1 additionally requires a hospital or facility that provides educational services to a pupil with disabilities to comply with applicable federal and state law concerning the education of pupils with disabilities to receive reimbursement. Section 2 of this bill authorizes the Department of Education, the county school districts, charter schools and the Division of Public and Behavioral Health of the Department of Health and Human Services to enter into a cooperative agreement for the provision of educational services at certain hospitals or other facilities that are licensed in another jurisdiction, provide residential treatment to children and operate an accredited educational program. Section 2.5 of this bill makes an appropriation to pay for the cost of auditing hospitals and facilities that receive reimbursement from the Department of Education for educational services to ensure compliance with applicable law.

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

Section 1. NRS 387.1225 is hereby amended to read as follows:

387.1225 1. A hospital or other facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provides residential treatment to children and which operates a private school licensed pursuant to chapter 394 of NRS may request reimbursement from the Department for the cost of providing educational services to a child who:

(a) The Department verifies is a patient or resident of the hospital or facility; and

(b) Attends the private school for more than 7 school days.

2. *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 for the cost of providing educational services to a child who:*

(a) The Department verifies:

(1) Is a patient or resident of the hospital or facility; and

(2) Is a resident of this State;

(b) 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) Attends the accredited educational program for more than 7 school days;

(d) Is not homeschooled or enrolled in a private school; and

(e) *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 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 ~~7.7~~ 9.*

4. *Upon receiving a request for reimbursement ~~[]~~ pursuant to subsection 1 or 2, the Department shall determine the amount of reimbursement to which the hospital or facility is entitled as a percentage of the basic support guarantee per pupil ~~and withhold that amount from the school district or charter school~~ as determined by the school where the child ~~[would attend school if the child were not]~~ was enrolled before being placed in the hospital or facility.*

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 the statewide multiplier included in the basic support guarantee per pupil pursuant to NRS 387.122 ~~[]~~ which is withheld from the school district or charter school where the child was enrolled before being placed in the hospital or facility.* The Department shall distribute the money withheld from the school district or charter school to the hospital or facility.

~~[3-5]~~ 6. *For the purposes of subsection ~~[2,] 4, ~~7.7~~ 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 paragraph (c) 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.*

~~[4-6]~~ 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.*

~~[7]~~ 8. *If a hospital or other facility requests reimbursement from the Department 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.~~ 9. The Department shall adopt any regulations necessary to carry out the provisions of this section ~~[-~~

~~5.]~~ , 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 ~~subsection~~ subsections 4 and 5 concerning reimbursement for educational services provided to a pupil with a disability; and*

(c) *Require the auditing of a hospital or other facility that requests reimbursement pursuant to this section to ensure compliance with any applicable provisions of federal or state law.*

~~§ 10.~~ 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.~~ 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. 2. NRS 277.0655 is hereby amended to read as follows:

277.0655 1. The Department of Education, the county school districts of the various counties, charter schools and the Division of Public and Behavioral Health of the Department of Health and Human Services may enter into cooperative agreements for the provision of educational services at any hospital or other facility which is licensed ~~by~~ :

(a) *By the Division that provides residential treatment to children and which operates a private school licensed pursuant to chapter 394 of NRS ~~[-]~~ ; or*

(b) *In the District of Columbia or any state or territory of the United States that:*

(1) *Meets the requirements of 42 C.F.R. §§ 441.151 to 441.156, inclusive;*

(2) *Provides residential treatment to children; and*

(3) *Operates an educational program accredited by a national organization and approved by the Department of Education.*

2. The authorization provided by subsection 1 includes the right to pay over money appropriated to a county school district or charter school for the education of a child placed in such a hospital or facility.

3. As used in this section, "hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Department of Education:

(a) *Forty thousand dollars for virtual auditing of hospitals or other licensed facilities that receive reimbursement for educational services pursuant to NRS 387.1225, as amended by section 1 of this act.*

(b) Seventy two thousand dollars for in-person auditing of hospitals or other licensed facilities that receive reimbursement for educational services pursuant to NRS 387.1225, as amended by section 1 of this act.

2. Any remaining balance of the appropriation made by this section must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 3. This act becomes effective:

1. Upon passage and approval for the purposes of entering into cooperative agreements pursuant to section 2 of this act, adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2019, for all other purposes.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

This amendment to Senate Bill No. 485 eliminates the requirement in subsection 4 of Section 1 for the Department of Education to withhold the amount of basic support per pupil to which a hospital or a facility would be entitled from a school district or charter school where the child was enrolled before the child was placed in the hospital or facility. The amendment further clarifies the percentage of funding for a student with disabilities to which a hospital or a facility may be entitled must be withheld from the school district or charter school where the child was enrolled before the child was placed in the hospital or a facility.

I would also like to add this is a bill that has been worked on for many weeks now by stakeholders and the Department of Education and those who are concerned about these children who are being moved into a facility or a hospital. I want to thank them for all of the work done, and I appreciate your support of this amendment.

Amendment adopted.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No 485, as amended, amends Nevada Revised Statute 387.1225 to authorize certain hospitals and other facilities licensed in the District of Columbia or another state or territory of the United States that provides residential treatment to children and operates an educational program may request reimbursement from the Department of Education for the cost of providing educational services to a child who the department verifies is a patient or resident of the hospital or facility and is a resident of this State or 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 and attends the accredited educational program for more than seven school days. Section 1 also requires a hospital or facility that provides educational services to a pupil with disabilities to comply with applicable federal and State law concerning the education of pupils with disabilities to receive reimbursement. Section 1 further eliminates the requirement for the Department of Education to withhold the payment of the percentage of basic support guarantee to which a hospital or facility is entitled from a school district or charter school where the child was enrolled before being placed in the hospital or facility. Section 2 of the bill authorizes the Department of Education, county school districts, charter schools and the Division of Public and Behavioral Health to enter into cooperative agreements for the provision of educational services in the District

of Columbia or any state or territory of the United States that meet the requirements of federal code, provides residential treatment to children and operates an accredited educational program. Section 2.5 appropriates to the Department of Education \$40,000 for virtual auditing and \$72,000 for in-person auditing of hospitals or other licensed facilities that receive reimbursement for educational services provided. This act becomes effective upon passage and approval for the purposes of entering cooperative agreements pursuant to Section 2 of this measure, adopting regulations and performing any other necessary preparatory administrative tasks and on July 1, 2019 for all other purposes.

Roll call on Senate Bill No. 485:

YEAS—21.

NAYS—None.

Senate Bill No. 485 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 2:57 p.m.

SENATE IN SESSION

At 3:11 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which was re-referred Senate Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By Senator Cannizzaro (emergency request of Senate Majority Leader):

Senate Bill No. 551—AN ACT relating to state financial administration; revising provisions governing the administration of certain taxes authorized by the Clark County Crime Prevention Act of 2016 and the Clark County Sales and Use Tax Act of 2005; providing for certain proceeds from the taxes authorized by the Clark County Sales and Use Tax Act of 2005 to be used to employ and equip additional school police officers in the Clark County School District; removing the prospective expiration of the Clark County Sales and Use Tax Act of 2005 and amendments and other provisions relating thereto; eliminating certain duties of the Department of Taxation relating to the commerce tax and the payroll taxes imposed on certain businesses; continuing the existing legally operative rates of the payroll taxes imposed on certain businesses; making appropriations for certain purposes relating to school safety, early childhood education and Zoom and Victory schools; and providing other matters properly relating thereto.

Senator Cannizzaro moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Finance.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Bill No. 552—AN ACT relating to the Legislative Department of the State Government; revising provisions governing the allowances for certain expenses incurred by a Legislator; authorizing the Legislative Commission to adopt regulations governing the methods of submitting certain reports to the Legislature and Legislative Counsel Bureau; revising provisions governing meetings of legislative studies and investigations; eliminating the duty of the Legislative Commission to adopt regulations relating to the collection of certain information relating to the offices of district attorneys and public defenders; and providing other matters properly relating thereto.

Senator Ohrenschall moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

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

Motion carried.

Senate in recess at 3:20 p.m.

SENATE IN SESSION

At 9:20 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 549, 550, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

Also, your Committee on Finance, to which was referred Senate Bill No. 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 24, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 29, 48, 94, 113, 150, 172, 219, 233, 239, 253, 296, 341, 356, 400, 414, 428, 429, 436, 442, 447, 451, 456, 460, 462, 465, 473, 479, 481, 482, 486, 491, 496, 520; Senate Joint Resolutions Nos. 4, 7; Senate Joint Resolutions Nos. 1, 3 of the 79th Session; Assembly Bill No. 494.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 80, 81, 125, 234, 297, 444, 452, 498, 503, 504, 505, 511, 512, 513, 515, 522, 523, 534, 537.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 8, Amendments Nos. 817, 901; Senate Bill No. 10, Amendment No. 940; Senate Bill No. 12, Amendment No. 953; Senate Bill No. 14, Amendment No. 830; Senate Bill No. 37, Amendment No. 846; Senate Bill No. 53, Amendment No. 748; Senate Bill No. 71, Amendment No. 776; Senate Bill No. 77, Amendment No. 949; Senate Bill No. 86, Amendment No. 845; Senate Bill No. 121, Amendment No. 818; Senate Bill No. 125, Amendment No. 923; Senate Bill No. 140, Amendment No. 753; Senate Bill No. 175, Amendments Nos. 761, 895; Senate Bill No. 181, Amendment No. 952; Senate Bill No. 186, Amendments Nos. 864, 968; Senate Bill No. 197, Amendments Nos. 843, 967; Senate Bill No. 207, Amendment No. 828; Senate Bill No. 230, Amendment No. 898; Senate Bill No. 236, Amendment No. 810; Senate Bill No. 242, Amendment No. 847; Senate Bill No. 243, Amendment No. 762; Senate Bill No. 250, Amendments Nos. 752, 959; Senate Bill No. 252, Amendment No. 777; Senate Bill No. 258, Amendment No. 734; Senate Bill No. 279, Amendment No. 763; Senate Bill No. 302, Amendments Nos. 764, 922; Senate Bill No. 311, Amendment No. 916; Senate Bill No. 316, Amendment No. 782; Senate Bill No. 345, Amendment No. 758; Senate Bill No. 347, Amendment No. 751; Senate Bill No. 355, Amendment No. 759; Senate Bill No. 362, Amendment No. 733; Senate Bill No. 365, Amendment No. 768; Senate Bill No. 371, Amendment No. 842; Senate Bill No. 387, Amendment No. 700; Senate Bill No. 390, Amendment No. 815; Senate Bill No. 397, Amendment No. 872; Senate Bill No. 410, Amendment No. 790; Senate Bill No. 417, Amendment No. 750; Senate Bill No. 424, Amendment No. 875; Senate Bill No. 430, Amendment No. 813; Senate Bill No. 431, Amendment No. 823; Senate Bill No. 432, Amendments Nos. 841, 908, 926; Senate Bill No. 435, Amendments Nos. 720, 920; Senate Bill No. 441, Amendment No. 787; Senate Bill No. 450, Amendment No. 840; Senate Bill No. 452, Amendment No. 838; Senate Bill No. 453, Amendment No. 788; Senate Bill No. 457, Amendment No. 702; Senate Bill No. 463, Amendment No. 765; Senate Bill No. 469, Amendment No. 859; Senate Bill No. 470, Amendment No. 732; Senate Bill No. 475, Amendment No. 874; Senate Bill No. 477, Amendment No. 814; Senate Bill No. 480, Amendment No. 824; Senate Bill No. 538, Amendment No. 918; Senate Joint Resolution No. 1, Amendment No. 749, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 9.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 80.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 81.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 125.

Senator Ratti moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Assembly Bill No. 234.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Assembly Bill No. 297.

Senator Ratti moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 444.

Senator Ratti moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 452.

Senator Ratti moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 494.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 498.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 503.

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

Motion carried.

Assembly Bill No. 504.

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

Motion carried.

Assembly Bill No. 505.

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

Motion carried.

Assembly Bill No. 511.

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

Motion carried.

Assembly Bill No. 512.

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

Motion carried.

Assembly Bill No. 513.

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

Motion carried.

Assembly Bill No. 515.

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

Motion carried.

Assembly Bill No. 522.

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

Motion carried.

Assembly Bill No. 523.

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

Motion carried.

Assembly Bill No. 534.

Senator Ratti moved that Senate Standing Rule No. 40 be suspended and that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 537.

Senator Ratti moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 500.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 993.

SUMMARY—Revises provisions governing financial support for assisted living facilities. (BDR 40-1202)

AN ACT relating to assisted living facilities; ~~removing a required allocation of~~ revising provisions governing the manner in which certain money allocated to pay for ~~certain~~ assisted living facilities ~~and assisted living supportive services;~~ is used; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Fund for a Healthy Nevada, which receives a portion of the proceeds received by the State from any settlement with or judgment against a manufacturer of tobacco products. (NRS 439.620) Existing law requires the Department of Health and Human Services to use the money in the Fund for certain purposes. Such purposes include making an annual allocation of \$200,000 from the Fund to ~~pay for~~ (1) provide guaranteed funding to finance assisted living facilities that meet certain criteria prescribed in statute; and ~~certain~~ (2) fund such assisted living facilities and assisted living supportive services ~~and~~ provided pursuant to the home and community based services waiver under Medicaid. (NRS 439.630) This bill ~~removes the requirement for the Department to make that allocation, thereby authorizing the Department to use that money for any other purpose described~~

~~in NRS 439.630.]~~ instead requires such money to be used to award competitive grants to finance the establishment or expansion of assisted living facilities that provide services pursuant to the provisions of the home and community based services waiver. This bill additionally requires the Director of the Department to reallocate to the Aging and Disability Services Division of the Department any money remaining after awarding grants to eligible applicants. This bill requires the Division to use that money for certain independent living programs of the Division.

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

Section 1. NRS 439.630 is hereby amended to read as follows:

439.630 1. The Department shall:

(a) Conduct, or require the Grants Management Advisory Committee created by NRS 232.383 to conduct, public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the abuse of and addiction to alcohol and drugs;
and

(4) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities, and report the results of the evaluation to the Legislative Committee on Health Care on an annual basis.

(c) Subject to legislative authorization, allocate money for direct expenditure by the Department to pay for prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, for senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From the money allocated pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens pursuant to NRS 439.635 to 439.690, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.635 to 439.690, inclusive. The Department shall submit a quarterly report to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate regarding the

general manner in which expenditures have been made pursuant to this paragraph.

(d) Subject to legislative authorization, allocate, by contract or grant, money for expenditure by the Aging and Disability Services Division of the Department in the form of grants for existing or new programs that assist senior citizens and other specified persons with independent living, including, without limitation, programs that provide:

(1) Respite care or relief of informal caretakers, including, without limitation, informal caretakers of any person with Alzheimer's disease or other related dementia regardless of the age of the person;

(2) Transportation to new or existing services to assist senior citizens in living independently; and

(3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

↪ The Aging and Disability Services Division of the Department shall consider recommendations from the Grants Management Advisory Committee concerning the independent living needs of senior citizens.

(e) Allocate \$200,000 of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Director to ~~:-~~

~~— (1) Provide guaranteed funding~~ award competitive grants to finance the establishment or expansion of assisted living facilities that ~~satisfy the criteria for certification set forth in NRS 319.147; and~~

~~— (2) Fund assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147 and assisted living supportive services that are provided~~ provide services pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.3962.

~~↪~~ The Director shall develop policies and procedures for ~~distributing the money allocated~~ awarding grants pursuant to this paragraph. ~~Money~~ If any money allocated pursuant to this paragraph ~~does not revert to the Fund at the end of the fiscal year.~~ remains after awarding grants to all eligible applicants, the Director must reallocate such money to the Aging and Disability Services Division of the Department to be used for the purposes described in paragraph (d).

~~(f)~~ Subject to legislative authorization, allocate to the Division money for programs that are consistent with the guidelines established by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services relating to evidence-based best practices to prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco. In making allocations pursuant to this paragraph, the Division shall allocate the money, by contract or grant:

(1) To the district board of health in each county whose population is 100,000 or more for expenditure for such programs in the respective county;

(2) For such programs in counties whose population is less than 100,000; and

(3) For statewide programs for tobacco cessation and other statewide services for tobacco cessation and for statewide evaluations of programs which receive an allocation of money pursuant to this paragraph, as determined necessary by the Division and the district boards of health.

(g) ~~/(g)/~~ Subject to legislative authorization, allocate, by contract or grant, money for expenditure for programs that improve the health and well-being of residents of this State, including, without limitation, programs that improve health services for children.

(h) ~~/(h)/~~ Subject to legislative authorization, allocate, by contract or grant, money for expenditure for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Department shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite care or relief of informal caretakers for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

(i) ~~/(i)/~~ Subject to legislative authorization, allocate money for direct expenditure by the Department to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.705 to 439.795, inclusive.

(j) ~~/(j)/~~ Maximize expenditures through local, federal and private matching contributions.

(k) ~~/(k)/~~ Ensure that any money expended from the Fund will not be used to supplant existing methods of funding that are available to public agencies.

(l) ~~/(l)/~~ Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

(m) ~~/(m)/~~ To make the allocations required by paragraphs ~~/(e)/~~ (f) ~~and~~ (g) ~~/(g)/~~ and (h) ~~/(h)/~~:

(1) Prioritize and quantify the needs for these programs;

- (2) Develop, solicit and accept applications for allocations;
- (3) Review and consider the recommendations of the Grants Management Advisory Committee submitted pursuant to NRS 232.385;
- (4) Conduct annual evaluations of programs to which allocations have been awarded; and

(5) Submit annual reports concerning the programs to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

(n) ~~/(m)/~~ Transmit a report of all findings, recommendations and expenditures to the Governor, each regular session of the Legislature, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

(o) ~~/(n)/~~ After considering the recommendations submitted to the Director pursuant to subsection 6, develop a plan each biennium to determine the percentage of available money in the Fund for a Healthy Nevada to be allocated from the Fund for the purposes described in paragraphs (c) ~~.(d).~~ (f), (g), ~~/(h)/~~ (h) and (i). ~~/(inclusive)/~~ The plan must be submitted as part of the proposed budget submitted to the Chief of the Budget Division of the Office of Finance pursuant to NRS 353.210.

(p) ~~/(o)/~~ On or before September 30 of each even-numbered year, submit to the Grants Management Advisory Committee, the Nevada Commission on Aging created by NRS 427A.032 and the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211 a report on the funding plan submitted to the Chief of the Budget Division of the Office of Finance pursuant to paragraph (o). ~~/(n)/~~

2. The Department may take such other actions as are necessary to carry out its duties.

3. To make the allocations required by paragraph (d) of subsection 1, the Aging and Disability Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens and other specified persons for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens and other specified persons upon approval of the Interim Finance Committee;

(d) Award grants, contracts or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the allocations made by the Aging and Disability Services Division pursuant to paragraph (d) of subsection 1 to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

4. The Aging and Disability Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging and Disability Services Division of the Department shall not expend or transfer any money allocated to the Aging and Disability Services Division pursuant to this section to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens pursuant to NRS 439.635 to 439.690, inclusive, or to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.

5. A veteran may receive benefits or other services which are available from the money allocated pursuant to this section for senior citizens or persons with disabilities to the extent that the veteran does not receive other benefits or services provided to veterans for the same purpose if the veteran qualifies for the benefits or services as a senior citizen or a person with a disability, or both.

6. On or before June 30 of each even-numbered year, the Grants Management Advisory Committee, the Nevada Commission on Aging and the Nevada Commission on Services for Persons with Disabilities each shall submit to the Director a report that includes, without limitation, recommendations regarding community needs and priorities that are determined by each such entity after any public hearings held by the entity.

Sec. 2. This act becomes effective on July 1, 2019.

Senator Woodhouse moved that the bill be taken from the Second Reading File and placed on the bottom of the fifth Agenda.

Motion carried.

Senate Bill No. 549.

Bill read second time and ordered to third reading.

Senate Bill No. 550.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 366.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 933.

SUMMARY—Establishes provisions relating to dental therapy. (BDR 54□661)

AN ACT relating to dental care; establishing the profession of dental therapy governed by the Board of Dental Examiners of Nevada; revising provisions relating to dentistry and dental hygiene; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains provisions relating to dental hygienists and the practice of dental hygiene within chapter 631 of NRS, which relates to dentistry.

Sections 58-68 of this bill establish the profession and practice of dental therapy in chapter 631 of NRS. Sections ~~69-133.5~~ 69.5-96 of this bill revise various provisions of NRS to account for the addition of the profession of dental therapists and the practice of dental therapy.

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

- Section 1. (Deleted by amendment.)
- Sec. 2. (Deleted by amendment.)
- Sec. 3. (Deleted by amendment.)
- Sec. 4. (Deleted by amendment.)
- Sec. 5. (Deleted by amendment.)
- Sec. 6. (Deleted by amendment.)
- Sec. 7. (Deleted by amendment.)
- Sec. 8. (Deleted by amendment.)
- Sec. 9. (Deleted by amendment.)
- Sec. 10. (Deleted by amendment.)
- Sec. 11. (Deleted by amendment.)
- Sec. 12. (Deleted by amendment.)
- Sec. 13. (Deleted by amendment.)
- Sec. 14. (Deleted by amendment.)
- Sec. 15. (Deleted by amendment.)
- Sec. 16. (Deleted by amendment.)
- Sec. 17. (Deleted by amendment.)
- Sec. 18. (Deleted by amendment.)
- Sec. 19. (Deleted by amendment.)
- Sec. 20. (Deleted by amendment.)
- Sec. 21. (Deleted by amendment.)
- Sec. 22. (Deleted by amendment.)
- Sec. 23. (Deleted by amendment.)
- Sec. 24. (Deleted by amendment.)
- Sec. 25. (Deleted by amendment.)
- Sec. 26. (Deleted by amendment.)
- Sec. 27. (Deleted by amendment.)

- Sec. 28. (Deleted by amendment.)
- Sec. 29. (Deleted by amendment.)
- Sec. 30. (Deleted by amendment.)
- Sec. 31. (Deleted by amendment.)
- Sec. 32. (Deleted by amendment.)
- Sec. 33. (Deleted by amendment.)
- Sec. 34. (Deleted by amendment.)
- Sec. 35. (Deleted by amendment.)
- Sec. 36. (Deleted by amendment.)
- Sec. 37. (Deleted by amendment.)
- Sec. 38. (Deleted by amendment.)
- Sec. 39. (Deleted by amendment.)
- Sec. 40. (Deleted by amendment.)
- Sec. 41. (Deleted by amendment.)
- Sec. 42. (Deleted by amendment.)
- Sec. 43. (Deleted by amendment.)
- Sec. 44. (Deleted by amendment.)
- Sec. 45. (Deleted by amendment.)
- Sec. 46. (Deleted by amendment.)
- Sec. 47. (Deleted by amendment.)
- Sec. 48. (Deleted by amendment.)
- Sec. 49. (Deleted by amendment.)
- Sec. 50. (Deleted by amendment.)
- Sec. 51. (Deleted by amendment.)
- Sec. 52. (Deleted by amendment.)
- Sec. 53. (Deleted by amendment.)
- Sec. 54. (Deleted by amendment.)
- Sec. 55. (Deleted by amendment.)
- Sec. 56. (Deleted by amendment.)
- Sec. 57. (Deleted by amendment.)

Sec. 58. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 59 to 68, inclusive, of this act.

Sec. 59. *“Dental therapist” means any person who practices the profession of dental therapy and is licensed pursuant to this chapter.*

Sec. 60. *“Dental therapy” means the performance of educational, preventative, therapeutic, palliative and restorative or surgical treatment of intraoral or extraoral procedures.*

Sec. 60.2. 1. *Any person is eligible to apply for a license to practice dental therapy in this State who:*

- (a) Is of good moral character;*
- (b) Is over 18 years of age;*
- (c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and*

(d) Is a graduate of a program of dental therapy from an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education. The program of dental therapy must:

(1) Be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization; and

(2) Include a curriculum of not less than 2 years of academic instruction in dental therapy or its academic equivalent.

(e) Is in possession of a current special endorsement of his or her license pursuant to NRS 631.287 to practice public health dental hygiene.

~~2. [An applicant must provide documentation that they have engaged in the clinical practice of dental hygiene under the direct supervision of a dentist for:~~

~~(a) Not less than 1,500 hours if he or she has less than 5 years of experience as a dental hygienist; or~~

~~(b) Not less than 1,000 hours if he or she has 5 years or more of experience as a dental hygienist.~~

~~3.] To determine whether a person has good moral character, the Board may consider whether his or her license to practice dental therapy or dental hygiene in another state has been suspended or revoked or whether he or she is currently involved in any disciplinary action concerning his or her license in that state.~~

Sec. 60.4. 1. Any person desiring to obtain a license to practice dental therapy, after having complied with section 60.2 of this act and the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental therapy or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the applicable national examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed a clinical examination administered by the Western Regional Examining Board.

2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

3. All persons who have satisfied the requirements for licensure as a dental therapist must be registered as licensed dental therapists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 61. 1. The holder of a license or renewal certificate to practice dental therapy may practice only in the settings provided in subsection 3, under the authorization of a dentist ~~licensed in this State~~ meeting the requirements of subsection 4 and in accordance with a written practice agreement signed by the dental therapist and the authorizing dentist. A dental therapist may provide only the services that are within his or her scope of practice, the scope of practice of the dentist, are authorized by the dentist, and are provided according to written protocols or standing orders established by the authorizing dentist. A dental therapist may not provide any services that are outside the scope of practice of the authorizing dentist. A dental therapist shall provide such services only under the direct supervision of the authorizing dentist until such time as the dental therapist has obtained the following hours of clinical practice as a dental therapist:

(a) Not less than 500 hours, if the dental therapist has a license to practice dental therapy issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Not less than 1,000 hours, if the dental therapist has practiced dental hygiene pursuant to the laws of this State, another state or territory of the United States, or the District of Columbia, for 5 years or more; or

(c) Not less than 1,500 hours, if paragraphs (a) and (b) are not applicable.

2. A dental therapist may provide services to a patient who has not first seen a dentist for an examination if the authorizing dentist has given the dental therapist written authorization and standing protocols for the services and reviews the patient records as provided by the written practice agreement. The standing protocols may require the authorizing dentist to personally examine patients either face-to-face or by the use of electronic means.

3. The holder of a license or renewal certificate to practice dental therapy may practice only in the following settings:

(a) A hospital, as defined in NRS 449.012.

(b) A rural health clinic, as defined in 42 U.S.C. § 1395x(aa)(2).

(c) A health facility or agency, other than a hospital, that is reimbursed as a federally qualified health center as defined in 42 U.S.C. § 1395x(aa)(4) or that has been determined by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services to meet the requirements to receive funding under section 330 of the Public Health Service Act, 42 U.S.C. § 254b, as amended.

(d) A federally qualified health center, as defined in 42 U.S.C. § 1395x(aa)(4), that is licensed as a health facility or agency by the Department of Health and Human Services.

(e) An outpatient health program or facility operated by a tribe or tribal organization under subchapter I of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 5321 to 5332, inclusive, as amended, or by an urban Indian organization receiving funds under Title V of the Indian

Health Care Improvement Act, 25 U.S.C. §§ 1651 to 1660h, inclusive, as amended.

(f) A school-based health center as defined in NRS 41.495.

(g) Any other clinic or practice setting, including, without limitation, a mobile dental unit, in which at least 50 percent of the total patient base of the dental therapist will consist of patients who:

(1) Are enrolled in a health care program administered by the Department of Health and Human Services;

(2) Have a medical disability or chronic condition that creates a significant barrier to receiving dental care; or

(3) Do not have dental health coverage through a public health care program or private insurance and have a household income which is less than 200 percent of the federally designated level signifying poverty as provided in the most recent federal poverty guidelines published in the Federal Register by the United States Department of Health and Human Services.

4. The holder of a license or renewal certificate to practice dental therapy may practice only under the authorization of a dentist who:

(a) Holds an active license to practice dentistry in this State;

(b) Maintains a location from which to practice dentistry; and

(c) Actively practices dentistry in this State by treating patients.

Sec. 62. The written practice agreement required pursuant to section 61 of this act between the authorizing dentist and a dental therapist must include:

1. The services and procedures and the practice settings for those services and procedures that the dental therapist may provide, together with any limitations on those services and procedures.

2. Any age-specific and procedure-specific practice protocols, including case selection criteria, assessment guidelines and imaging frequency.

3. Procedures to be used with patients treated by the dental therapist for informed consent and creating and maintaining dental records.

4. A plan for the monthly review of patient records by the authorizing dentist and dental therapist.

5. A plan for managing medical emergencies in each practice setting in which the dental therapist provides care.

6. A quality assurance plan for monitoring care, including patient care review, referral follow-up, and a quality assurance and chart review.

7. Protocols for administering and dispensing medications, including the specific circumstances under which medications may be administered and dispensed.

8. Criteria for providing care to patients with specific medical conditions or complex medical histories, including requirements for consultation before initiating care.

9. Specific written protocols, including a plan for providing clinical resources and referrals, governing situations in which the patient requires

treatment that exceeds the dental therapist's capabilities or the scope of practice as a dental therapist.

10. *A requirement that when an appointment is made for a patient, it must be disclosed to the patient whether the patient is scheduled to see the dentist or a dental therapist.*

Sec. 62.5. *An authorizing dentist may not simultaneously maintain written practice agreements required pursuant to section 61 of this act with more than four full-time or full-time equivalent dental therapists.*

Sec. 63. *In accordance with the written practice agreement required pursuant to section 61 of this act:*

1. *The authorizing dentist shall arrange for another dentist or specialist to provide any services needed by a patient of a dental therapist that exceed the dental therapist's capabilities or the authorized scope of practice of the dental therapist and that the authorizing dentist is unable to provide; and*

2. *A dental therapist shall refer patients to another qualified dental or health care professional to receive needed services that exceed the scope of practice of the dental therapist.*

Sec. 64. 1. *In accordance with the written practice agreement required pursuant to section 61 of this act, a dental therapist may perform the following acts:*

(a) *Expose radiographs.*

(b) *Conduct an assessment of the oral health of the patient through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of the patient.*

(c) *After conducting an assessment pursuant to paragraph (b), develop a dental hygiene care plan to address the oral health needs and problems of the patient.*

(d) *Take the following types of impressions:*

(1) *Those used for the preparation of diagnostic models;*

(2) *Those used for the fabrication of temporary crowns or bridges; and*

(3) *Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.*

(e) *Remove stains, deposits and accretions, including dental calculus.*

(f) *Smooth the natural and restored surface of a tooth by using the procedures and instruments commonly used in oral prophylaxis, except that an abrasive stone, disc or bur may be used only to polish a restoration. As used in this paragraph, "oral prophylaxis" means the preventive dental procedure of scaling and polishing which includes the removal of calculus, soft deposits, plaques and stains and the smoothing of unattached tooth surfaces in order to create an environment in which hard and soft tissues can be maintained in good health by the patient.*

(g) *Provide dental hygiene care that includes:*

(1) Implementation of a dental hygiene care plan to address the oral health needs and problems of patients pursuant to paragraph (c).

(2) Evaluation of oral and periodontal health after the implementation of the dental hygiene care plan described in subparagraph (1) in order to identify the subsequent treatment, continued care and referral needs of the patient.

(h) Perform subgingival curettage.

(i) Remove sutures.

(j) Place and remove a periodontal pack.

(k) Remove excess cement from cemented restorations and orthodontic appliances. A dental therapist may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.

(l) Train and instruct persons in the techniques of oral hygiene and preventive procedures.

(m) Recement and repair temporary crowns and bridges.

(n) Recement permanent crowns and bridges with nonpermanent material as a palliative treatment.

(o) Place a temporary restoration with nonpermanent material as a palliative treatment.

(p) Administer local intraoral chemotherapeutic agents in any form except aerosol, including, but not limited to:

(1) Antimicrobial agents;

(2) Fluoride preparations;

(3) Topical antibiotics;

(4) Topical anesthetics; and

(5) Topical desensitizing agents.

(q) Apply pit and fissure sealant to the dentition for the prevention of decay.

2. Before performing any of the services set forth in subsection 1, the dental therapist must obtain authorization from the licensed dentist of the patient on whom the services are to be performed and the patient must have been examined by that dentist not more than 18 months before the services are to be performed. After performing any of the services set forth in this subsection, the dental therapist shall refer the patient to the authorizing dentist for follow-up care or any necessary additional procedures that the dental therapist is not authorized to perform.

Sec. 65. In accordance with the written practice agreement, a dental therapist may provide any of the following additional care or services:

1. Identifying oral and systemic conditions that require evaluation or treatment by dentists, physicians, or other health care professionals and managing referrals to such persons.

2. Providing oral health instruction and disease prevention education, including nutritional counseling and dietary analysis.

3. Dispensing and administering via the oral or topical route nonnarcotic analgesics and anti-inflammatory and antibiotic medications as prescribed by a health care professional.

4. *Pulp and vitality testing.*
5. *Applying desensitizing medication or resin.*
6. *Fabricating mouth guards*
7. *Changing periodontal dressings.*
8. *Simple extraction of erupted primary teeth.*
9. *Emergency palliative treatment of dental pain related to a care or service described in this section.*
10. *Preparation and placement of direct restoration in primary and permanent teeth.*
11. *Fabrication and placement of single tooth temporary crowns.*
12. *Preparation and placement of preformed crowns on primary teeth.*
13. *Indirect and direct pulp capping on permanent teeth.*
14. *Suturing and suture removal.*
15. *Minor adjustments and repairs on removable prostheses.*
16. *Placement and removal of space maintainers.*
17. *Nonsurgical extractions of periodontally diseased permanent teeth with tooth mobility. However, a dental therapist shall not extract a tooth for any patient if the tooth is unerupted, impacted, or fractured or needs to be sectioned for removal.*
18. *Performing other related services and functions authorized and for which the dental therapist is trained.*

Sec. 66. (Deleted by amendment.)

Sec. 67. 1. *A dental therapist shall not prescribe a controlled substance that is included in schedules II, III, IV or V of the Uniform Controlled Substances Act.*

2. *A dental therapist may supervise dental assistants and dental hygienists to the extent permitted in a written practice agreement.*

Sec. 68. *A dental therapist licensed to practice in this State must annually complete at least 18 hours of instruction in approved courses of continuing education or biennially complete at least 40 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental therapist. Hours of instruction may not be transferred over from one licensing period to another.*

Sec. 69. (Deleted by amendment.)

Sec. 69.5. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, and sections 59 and 60 of this act have the meanings ascribed to them in those sections.

Sec. 70. NRS 631.130 is hereby amended to read as follows:

631.130 1. The Governor shall appoint:

(a) Six members who are graduates of accredited dental schools or colleges, are residents of Nevada and have ethically engaged in the practice of dentistry in Nevada for a period of at least 5 years.

(b) One member who has resided in Nevada for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(c) Three members who:

(1) Are graduates of accredited schools or colleges of *dental therapy or dental hygiene*;

(2) Are residents of Nevada; and

(3) Have been actively engaged in the practice of *dental therapy or dental hygiene* in Nevada for a period of at least 5 years before their appointment to the Board.

(d) One member who is a representative of the general public. This member must not be:

(1) A dentist, *dental therapist* or ~~dentist~~ dental hygienist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a dentist, *dental therapist* or ~~dentist~~ dental hygienist.

2. The members who are *dental therapists or dental hygienists* may vote on all matters but may not participate in grading any clinical examinations required by NRS 631.240 for the licensing of dentists.

3. If a member is not licensed under the provisions of this chapter, the member shall not participate in grading any examination required by the Board.

Sec. 71. NRS 631.140 is hereby amended to read as follows:

631.140 1. The six members of the Board who are dentists, the member of the Board who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care, and the member of the Board who is a representative of the general public must be appointed from areas of the State as follows:

(a) Three of those members must be from Carson City, Douglas County or Washoe County.

(b) Four of those members must be from Clark County.

(c) One of those members may be from any county of the State.

2. The three members of the Board who are *dental therapists or dental hygienists* must be appointed from areas of the State as follows:

(a) One of those members must be from Carson City, Douglas County or Washoe County.

(b) One of those members must be from Clark County.

(c) One of those members may be from any county of the State.

Sec. 72. NRS 631.170 is hereby amended to read as follows:

631.170 1. The Board shall meet whenever necessary to examine applicants. The dates of the examinations must be fixed by the Board. The

Board may conduct examinations outside this State, and for this purpose may use the facilities of dental colleges.

2. The Board may also meet at such other times and places and for such other purposes as it may deem proper.

3. A quorum consists of five members who are dentists and two members who are *dental therapists or* dental hygienists.

Sec. 73. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, review panels, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter.

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry , *dental therapy or* ~~and~~ dental hygiene.

4. Examine applicants for licenses to practice dentistry , *dental therapy* and dental hygiene.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists , *dental therapists* and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 73.5. NRS 631.205 is hereby amended to read as follows:

631.205 1. The Committee on Dental Hygiene *and Dental Therapy* is hereby created.

2. The Committee consists of:

(a) The members of the Board who are *dental therapists or* dental hygienists; and

(b) One dentist who is a member of the Board and who has supervised a *dental therapist or* dental hygienist for at least 3 years immediately preceding his or her appointment to the Committee by the Board.

3. The Committee:

(a) May accept recommendations from *dental therapists*, dental hygienists, dentists and the general public and may meet to review such recommendations.

(b) May make recommendations to the Board concerning:

(1) The practice of *dental therapy and* dental hygiene; and

(2) The licensing of *dental therapists and* dental hygienists, including, without limitation, requirements relating to the education, examination and discipline of *dental therapists and* dental hygienists.

(c) Shall carry out any duties the Board may assign to the Committee.

Sec. 74. NRS 631.215 is hereby amended to read as follows:

631.215 1. Any person shall be deemed to be practicing dentistry who:

(a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;

(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;

(c) Evaluates or diagnoses, professes to evaluate or diagnose or treats or professes to treat, surgically or nonsurgically, any of the diseases, disorders, conditions or lesions of the oral cavity, maxillofacial area or the adjacent and associated structures and their impact on the human body;

(d) Extracts teeth;

(e) Corrects malpositions of the teeth or jaws;

(f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;

(h) Places in the mouth and adjusts or alters artificial teeth;

(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;

(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;

(k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(l) Determines:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable; or

(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:

(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or

(2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.

2. Nothing in this section:

(a) Prevents a dental assistant, *dental therapist*, dental hygienist or qualified technician from making radiograms or X-ray exposures ~~for using X-ray~~

~~radiation or laser radiation~~ for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.

(b) *Prevents a dental therapist or dental hygienist from administering local anesthesia for pain management during treatment or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, upon authorization of a licensed dentist.*

(c) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.

~~{(e)}~~ (d) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene *or an accredited school of dental therapy* or an accredited school of dental assisting.

~~{(d)}~~ (e) Prevents a licensed dentist or dental hygienist from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.

~~{(e)}~~ (f) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

~~{(f)}~~ (g) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of NRS 631.3452:

(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254c.

(2) A federally-qualified health center as defined in 42 U.S.C. § 1396d(1)(2)(B) operating in compliance with other applicable state and federal law.

(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.

~~{(g)}~~ (h) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:

(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

(2) The dentist treats the patient only during a course of continuing education involving live patients which:

(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and

(II) Meets all applicable requirements for approval as a course of continuing education; and

(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.

~~{(h)}~~ (i) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:

(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or

(2) Exercise any authority or control over the clinical practice of dentistry.

3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:

(a) Exert authority or control over the clinical judgment of a licensed dentist; or

(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.

↪ Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.

Sec. 75. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene, *dental therapy* or dentistry, or any of its special branches, must:

(a) File an application with the Board.

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240 or 631.300, submit with the application proof satisfactory that the applicant passed the examination.

2. An application must include all information required to complete the application.

3. The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 76. NRS 631.225 is hereby amended to read as follows:

631.225 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice dentistry , ~~for~~ dental hygiene *or dental therapy* shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice dentistry , ~~for~~ dental hygiene *or dental therapy* shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to practice dentistry , ~~for~~ dental hygiene *or dental therapy* may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 77. NRS 631.260 is hereby amended to read as follows:

631.260 Except as otherwise provided in subsection 3 of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene , *dental therapy* or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 78. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to practice dentistry , ~~for~~ dental hygiene *or dental therapy* to a person who:

(a) Is qualified for a license to practice dentistry , ~~for~~ dental hygiene *or dental therapy* in this State;

(b) Pays the required application fee;

(c) Has entered into a contract with:

(1) The Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry , ~~for~~ dental hygiene *or dental therapy* at an educational or outpatient clinic, hospital or other facility of the Nevada System of Higher Education; or

(2) An accredited program of dentistry , ~~for~~ dental hygiene *or dental therapy* of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry , ~~for~~ dental hygiene *or dental therapy* at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;

(d) Satisfies the requirements of NRS 631.230 or 631.290, as appropriate; and

(e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry , ~~for~~ dental hygiene *or dental therapy* issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board;

(3) Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or

(4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program and is a citizen of the United States or is lawfully entitled to remain and work in the United States. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program, is lawfully entitled to remain and work in the United States and is in compliance with all other requirements for the limited license.

2. The Board shall not issue a limited license to a person:

(a) Who has been issued a license to practice dentistry , ~~for~~ dental hygiene or dental therapy if:

(1) The person is involved in a disciplinary action concerning the license;

or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry , dental therapy or dental hygiene,

↪ in this State, another state or territory of the United States, or the District of Columbia.

3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry , ~~for~~ dental hygiene or dental therapy in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry , ~~for~~ dental hygiene or dental therapy in this State or accept compensation for the practice of dentistry , ~~for~~ dental hygiene or dental therapy except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry , ~~for~~ dental hygiene or dental therapy for services provided as a dental intern, dental resident or instructor of dentistry , ~~for~~ dental hygiene or dental therapy pursuant to paragraph (c) of subsection 1.

4. The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry , ~~for~~ dental hygiene or dental therapy in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry , ~~for~~ dental hygiene or dental therapy with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

5. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license and a permit issued pursuant to this section, if any, to the Board.

8. The Board may revoke a limited license and a permit issued pursuant to this section, if any, at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 79. NRS 631.273 is hereby amended to read as follows:

631.273 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by ~~[NRS 631.300,] section 60.4 of this act~~, issue a temporary license to practice dental ~~[hygiene]~~ *therapy* to a person who:

(a) Has a license to practice dental ~~[hygiene]~~ *therapy* issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Satisfies the requirements of ~~[NRS 631.290,] section 60.2 of this act~~;

(c) Has practiced dental ~~[hygiene]~~ *therapy* pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that the person applies for a temporary license;

(d) Has not had a license to practice dental hygiene *or dental therapy* revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(e) Has not been denied a license to practice dental hygiene *or dental therapy* in this State, another state or territory of the United States, or the District of Columbia;

(f) Is not involved in or does not have pending a disciplinary action concerning a license to practice dental hygiene *or dental therapy* in this State, another state or territory of the United States, or the District of Columbia;

(g) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to ~~[NRS 631.300,] section 60.4 of this act~~; and

(h) Submits all information required to complete an application for a license.

2. A person to whom a temporary license is issued pursuant to this section may:

(a) Practice dental ~~[hygiene]~~ *therapy* for the duration of the temporary license; and

(b) Apply for a permanent license to practice dental ~~[hygiene]~~ *therapy* without a clinical examination required by ~~[NRS 631.300] section 60.4 of this act~~ if the person has held a temporary license to practice dental ~~[hygiene]~~ *therapy* issued pursuant to this section for at least 2 years.

3. The Board shall examine each applicant in writing concerning the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, ~~[2006,]~~ 2021, issue any additional temporary licenses to practice dental ~~[hygiene]~~ *therapy* pursuant to this section.

5. Any person who, on July 1, ~~[2006,]~~ 2021, holds a temporary license to practice dental ~~[hygiene]~~ *therapy* issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dental ~~[hygiene]~~ *therapy* under the temporary license until ~~[December 31, 2008,]~~ July 1, 2023, or until the person is qualified to apply for and is issued or denied a permanent license to practice dental ~~[hygiene]~~ *therapy* in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 80. NRS 631.274 is hereby amended to read as follows:

631.274 1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, *or section 60.4 of this act*, issue a restricted geographical license to practice dentistry, ~~[or]~~ dental hygiene *or dental therapy* to a person if the person meets the requirements of subsection 2 and:

(a) A board of county commissioners submits a request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 or 631.300 *or section 60.4 of this act* for any applicant intending to practice dentistry, ~~[or]~~ dental hygiene *or dental therapy* in a rural area of a county in which dental, ~~[or]~~ dental hygiene *or dental therapy* needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine;

(b) Two or more boards of county commissioners submit a joint request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 or 631.300 *or section 60.4 of this act* for any applicant intending to practice dentistry, ~~[or]~~ dental hygiene *or dental therapy* in one or more rural areas within those counties in which dental, ~~[or]~~ dental hygiene *or dental therapy* needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of NRS 631.240 or 631.300 *or section 60.4 of this act* for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if the person:

(a) Has a license to practice dentistry, ~~[or]~~ dental hygiene *or dental therapy* issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dentistry, ~~[or]~~ dental hygiene *or dental therapy* in this State;

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240 or 631.300 ~~or~~ *or section 60.4 of this act*;

(d) Submits all information required to complete an application for a license; and

(e) Satisfies the requirements of NRS 631.230. or 631.290, *or section 60.2 of this act*, as appropriate.

3. The Board shall not issue a restricted geographical license to a person:

(a) Whose license to practice dentistry , ~~or~~ dental hygiene *or dental therapy* has been revoked or suspended;

(b) Who has been refused a license to practice dentistry , *dental therapy* or dental hygiene; or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry , ~~or~~ dental hygiene *or dental therapy*,

↳ in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry , ~~or~~ dental hygiene *or dental therapy* only in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry , ~~or~~ dental hygiene *or dental therapy* in this State or accept compensation for the practice of dentistry , ~~or~~ dental hygiene *or dental therapy* except such compensation as may be paid to the person by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.

6. Within 7 days after the termination of a contract pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license shall notify the Board of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by NRS 631.240 or 631.300 *or section 60.4 of this act* if the person:

(a) Has not had a license to practice dentistry , ~~or~~ dental hygiene *or dental therapy* revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry , *dental therapy* or dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry, ~~for~~ dental hygiene or dental therapy in this State, another state or territory of the United States, or the District of Columbia; and

(d) Has:

(1) Actively practiced dentistry, ~~for~~ dental hygiene or dental therapy for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or

(2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

8. The Board may revoke a restricted geographical license at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 81. (Deleted by amendment.)

Sec. 82. (Deleted by amendment.)

Sec. 83. NRS 631.313 is hereby amended to read as follows:

631.313 1. Except as otherwise provided in NRS 454.217 and 629.086, a licensed dentist may assign to a person in his or her employ who is a dental hygienist, dental therapist, dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental therapist or dental hygienist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental therapist or dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287. ~~[section 27 of this act.]~~

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, minimal sedation, moderate sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 84. NRS 631.317 is hereby amended to read as follows:

631.317 The Board shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be assigned by a licensed dentist to a *dental therapist*, dental hygienist or dental assistant in his or her employ or that may be performed by a dental hygienist *or dental therapist* engaged in school health activities or employed by a public health agency.

2. Governing the practice of dentists, ~~and~~ dental hygienists *and dental therapists* in full-time employment with the State of Nevada.

Sec. 85. NRS 631.330 is hereby amended to read as follows:

631.330 1. Licenses issued pursuant to NRS 631.271, 631.2715 and 631.275 must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in NRS 631.271, 631.2715 and 631.275:

(a) Each holder of a license to practice dentistry, ~~or~~ dental hygiene *or dental therapy* must, upon:

(1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal,

↪ be granted a renewal certificate which will authorize continuation of the practice for 2 years.

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 every 2 years automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 86. NRS 631.340 is hereby amended to read as follows:

631.340 1. Any person who has obtained from the Board a license certificate to practice dental hygiene, *dental therapy* or dentistry or any special branch of dentistry in this State, and who fails to obtain a renewal certificate, must, before resuming the practice in which he or she was licensed, make application to the Secretary-Treasurer, under such rules as the Board may prescribe, for the restoration of the license to practice.

2. Upon application being made, the Secretary-Treasurer shall determine whether the applicant possesses the qualifications prescribed for the granting of a license to practice in his or her particular profession, and whether the applicant continues to possess a good moral character and is not otherwise disqualified to practice in this State. If the Secretary-Treasurer so determines, the Secretary-Treasurer shall thereupon issue the license, and thereafter the person may make application annually for a renewal certificate, as provided in this chapter.

Sec. 87. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry , ~~and~~ dental hygiene ~~and~~ *dental therapy*. The regulations must include:

- (a) ~~The~~ *Except as provided in section 68 of this act, the number of hours of credit required annually;*
- (b) The criteria used to accredit each course; and
- (c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

- (a) An overview of acts of terrorism and weapons of mass destruction;
- (b) Personal protective equipment required for acts of terrorism;
- (c) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;
- (d) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and
- (e) An overview of the information available on, and the use of, the Health Alert Network.

3. Instead of the course described in subsection 2, a licensee may complete:

- (a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or
- (b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. As used in this section:

- (a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.
- (b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

- (c) “Chemical agent” has the meaning ascribed to it in NRS 202.4425.
- (d) “Radioactive agent” has the meaning ascribed to it in NRS 202.4437.
- (e) “Weapon of mass destruction” has the meaning ascribed to it in NRS 202.4445.

Sec. 88. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry.....	\$1,500
Application fee for an initial license to practice dental hygiene	750
<i>Application fee for an initial license to practice dental therapy...</i>	<i>1,000</i>
Application fee for a specialist’s license to practice dentistry	300
Application fee for a limited license or restricted license to practice dentistry , or dental hygiene <i>or dental therapy</i>	300
Fee for administering a clinical examination in dentistry	2,500
Fee for administering a clinical examination in dental hygiene <i>or dental therapy</i>	1,500
Application and examination fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation.....	600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation.....	350
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines.....	500
Biennial license renewal fee for a general license, specialist’s license, temporary license or restricted geographical license to practice dentistry	1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry	300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene <i>or dental therapy</i>	600
Annual license renewal fee for a limited license to practice dental hygiene or dental therapy	300
Biennial license renewal fee for an inactive dentist	400
Biennial license renewal fee for a dentist who is retired or has a disability	100

Biennial license renewal fee for an inactive dental hygienist *or* dental therapist 200

Biennial license renewal fee for a dental hygienist *or dental* therapist who is retired or has a disability 100

Reinstatement fee for a suspended license to practice dentistry , [or] dental hygiene or dental therapy 500

Reinstatement fee for a revoked license to practice dentistry , [or] dental hygiene or dental therapy 500

Reinstatement fee to return a dentist , ~~or~~ dental hygienist *or dental therapist* who is inactive, retired or has a disability to active status 500

Fee for the certification of a license 50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 89. NRS 631.3453 is hereby amended to read as follows:

631.3453 The provisions of NRS 631.3452 requiring the designation of an actively licensed dentist as a dental director do not apply to a program for the provision of public health dental hygiene *or dental therapy* if:

1. The program is owned or operated by a *dental therapist licensed pursuant to this chapter* *or a dental hygienist* who holds a special endorsement of his or her license to practice public health dental hygiene pursuant to NRS 631.287 ; and

2. Each ~~dental hygienist~~ *person* employed to provide public health dental hygiene pursuant to the program *is either a dental therapist licensed pursuant to this chapter or a dental hygienist who* holds a special endorsement of his or her license to practice public health dental hygiene pursuant to NRS 631.287.

Sec. 90. NRS 631.346 is hereby amended to read as follows:

631.346 The following acts, among others, constitute unprofessional conduct:

1. Employing, directly or indirectly, any student or any suspended or unlicensed dentist or dental hygienist to perform operations of any kind to treat or correct the teeth or jaws, except as provided in this chapter;

2. Except as otherwise provided in NRS 631.287 *or 631.3453*, giving a public demonstration of methods of practice any place other than the office where the licensee is known to be regularly engaged in this practice;

3. Employing, procuring, inducing, aiding or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry, but a patient shall not be deemed to be an accomplice, employer, procurer, inducer, aider or abettor;

4. For a dental hygienist *or dental therapist*, practicing in any place not authorized pursuant to this chapter; or

5. Practicing while a license is suspended or without a renewal certificate.

Sec. 91. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist, ~~or~~ dental hygienist *or dental therapist* constituting substandard care in the practice of dentistry, ~~or~~ dental hygiene *or dental therapy*;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;

7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344; or

14. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 92. NRS 631.3487 is hereby amended to read as follows:

631.3487 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dentistry, ~~or~~ dental hygiene or dental therapy, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice dentistry, ~~or~~ dental hygiene or dental therapy that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the fee imposed pursuant to NRS 631.345 for the reinstatement of a suspended license.

Sec. 93. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271, 631.2715 and 631.347, the Board may:

(a) Refuse to issue a license to any person;

(b) Revoke or suspend the license or renewal certificate issued by it to any person;

(c) Fine a person it has licensed;

(d) Place a person on probation for a specified period on any conditions the Board may order;

(e) Issue a public reprimand to a person;

(f) Limit a person's practice to certain branches of dentistry;

(g) Require a person to participate in a program to correct alcohol or drug abuse or any other impairment;

(h) Require that a person's practice be supervised;

- (i) Require a person to perform community service without compensation;
- (j) Require a person to take a physical or mental examination or an examination of his or her competence;
- (k) Require a person to fulfill certain training or educational requirements;
- (l) Require a person to reimburse a patient; or
- (m) Any combination thereof,

↪ if the Board finds, by a preponderance of the evidence, that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

- (a) Engaging in the illegal practice of dentistry , ~~{or}~~ dental hygiene *or dental therapy*;
- (b) Engaging in unprofessional conduct; or
- (c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 94. NRS 631.380 is hereby amended to read as follows:

631.380 All licenses and renewal certificates *to practice dentistry or a specialty thereof* heretofore issued by the Board and in force on March 20, 1951, shall remain in force subject to the provisions of this chapter, and shall entitle the holders to practice their profession as therein designated.

Sec. 95. NRS 631.395 is hereby amended to read as follows:

631.395 A person is guilty of the illegal practice of dentistry , ~~{or}~~ dental hygiene *or dental therapy* who:

1. Sells or barter, or offers to sell or barter, any diploma or document conferring or purporting to confer any dental degree, or any certificate or transcript made or purporting to be made pursuant to the laws regulating the licensing and registration of dentists , ~~{or}~~ dental hygienists *or dental therapists*;

2. Purchases or procures by barter any such diploma, certificate or transcript, with the intent that it be used as evidence of the holder's qualifications to practice dentistry, or in fraud of the laws regulating that practice;

3. With fraudulent intent, alters in a material regard any such diploma, certificate or transcript;

4. Uses or attempts to use any diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist, ~~or~~ a dental hygienist *or dental therapist*;

5. Practices dentistry under a false or assumed name;

6. Assumes the degree of "Doctor of Dental Surgery" or "Doctor of Dental Medicine" or appends the letters "D.D.S." or "D.M.D." or "R.D.H." to his or her name, not having conferred upon him or her, by diploma from an accredited dental or dental hygiene college or school legally empowered to confer the title, the right to assume the title, or assumes any title or appends any letters to his or her name with the intent to represent falsely that he or she has received a dental degree or license;

7. Willfully makes, as an applicant for examination, license or registration under this chapter, a false statement in a material regard in an affidavit required by this chapter;

8. Within 10 days after a demand is made by the Secretary-Treasurer, fails to furnish to the Board the names and addresses of all persons practicing or assisting in the practice of dentistry in the office of the person at any time within 60 days before the notice, together with a sworn statement showing under and by what license or authority the person and his or her employee are and have been practicing dentistry, but the affidavit must not be used as evidence against the person in any proceeding under this chapter;

9. Except as otherwise provided in NRS 629.091, practices dentistry, ~~or~~ dental hygiene *or dental therapy* in this State without a license;

10. Except as otherwise provided in NRS 631.385, owns or controls a dental practice, shares in the fees received by a dentist or controls or attempts to control the services offered by a dentist if the person is not himself or herself licensed pursuant to this chapter; or

11. Aids or abets another in violating any of the provisions of this chapter.

Sec. 96. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

2. Unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, a person who practices or offers to practice dental hygiene *or dental therapy* in this State without a license, or who, having a license, practices dental hygiene *or dental therapy* in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

- (a) If it is his or her first or second offense, is guilty of a gross misdemeanor.
- (b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than \$5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 97. (Deleted by amendment.)

Sec. 98. (Deleted by amendment.)

Sec. 99. (Deleted by amendment.)

Sec. 100. (Deleted by amendment.)

Sec. 101. (Deleted by amendment.)

Sec. 102. (Deleted by amendment.)

Sec. 103. (Deleted by amendment.)

Sec. 104. (Deleted by amendment.)

Sec. 105. (Deleted by amendment.)

Sec. 106. (Deleted by amendment.)

- Sec. 107. (Deleted by amendment.)
 Sec. 108. (Deleted by amendment.)
 Sec. 109. (Deleted by amendment.)
 Sec. 110. (Deleted by amendment.)
 Sec. 111. (Deleted by amendment.)
 Sec. 112. (Deleted by amendment.)
 Sec. 113. (Deleted by amendment.)
 Sec. 114. (Deleted by amendment.)
 Sec. 115. (Deleted by amendment.)
 Sec. 116. (Deleted by amendment.)
 Sec. 117. (Deleted by amendment.)
 Sec. 118. (Deleted by amendment.)
 Sec. 119. (Deleted by amendment.)
 Sec. 120. (Deleted by amendment.)
 Sec. 121. (Deleted by amendment.)
 Sec. 122. (Deleted by amendment.)
 Sec. 123. (Deleted by amendment.)
 Sec. 124. (Deleted by amendment.)
 Sec. 125. (Deleted by amendment.)
 Sec. 126. (Deleted by amendment.)
 Sec. 127. (Deleted by amendment.)
 Sec. 128. (Deleted by amendment.)
 Sec. 129. (Deleted by amendment.)
 Sec. 130. (Deleted by amendment.)
 Sec. 131. (Deleted by amendment.)
 Sec. 132. (Deleted by amendment.)
 Sec. 133. (Deleted by amendment.)

Sec. 133.5. Not later than January 1, 2025, the State Dental Health Officer shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that details the impact of authorizing the practice of dental therapy on the quality and availability of dental services in this State.

Sec. 133.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 134. 1. This section and sections 1 to 75, inclusive, 77 to 91, inclusive, and 93 to 133.7, inclusive, of this act become effective:

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

(b) On January 1, 2020, for all other purposes.

2. Section 76 of this act expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending or restricting the use of professional, occupational and recreational

licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.

3. Section 92 of this act expires by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
 ↪ are repealed by the Congress of the United States.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 933 revises Senate Bill No. 366 to clarify the following provisions relating to the practice of dental therapy: a dental therapist may not provide services beyond the scope of practice of their authorizing dentist; the authorizing dentist must have an active license to practice, a location from which to practice and be actively seeing patients. A dental therapist must practice under the direct supervision of the authorizing dentist until such time as the dental therapist has obtained the following hours of clinical practice hours as a dental therapist: not less than 500 hours if the dental therapist is licensed to practice dental therapy in another state or territory of the United States or the District of Columbia; not less than 1,000 hours if the dental therapist has practiced dental hygiene pursuant to the laws of another state or territory of the United States or the District of Columbia for 5 years or more; or not less than 1,500 hours if the dental therapist does not meet the either of the 500-hour or 1,000-hour criteria. Also, a review of patient records must be conducted monthly by the authorizing dentist and dental therapist.

And, finally, a dental therapist may only practice dental therapy in certain specified settings, including, but not limited to, certain rural clinics, recognized federally qualified health centers, school-based health centers and certain out-patient health programs or facilities operated by a tribe or tribal organization and any other clinic or practice setting including mobile dental clinics in which at least 50 percent of the dental therapists total patient base consists of patients who are enrolled in a health care program administered by the Department of Health and Human Services, have a medical disability or a chronic condition that create a significant barrier to receiving dental care and do not have dental health coverage through either a public program or private insurance and have a household income of less than 200 percent of the federal poverty level.

Amendment adopted.

Senator Ratti moved that the Senate take a brief recess.

Motion carried.

Senate in recess at 9:37 p.m.

SENATE IN SESSION

At 9:44 p.m.

President Marshall presiding.

Quorum present.

Bill read third time.

Remarks by Senator Ratti.

Senate Bill No. 366, as amended, establishes the profession and practice of dental therapy in Nevada as a licensed dental health provider under Chapter 631 of Nevada Revised Statutes. Senate Bill No. 366, as amended, specifies the eligibility criteria through which a dental therapist can be licensed in Nevada. The fees to be charged by the Board of Dental Examiners of Nevada also specifies the scope of practice and the settings in which a dental therapist can practice dental therapy and the responsibilities of the authorizing dentist. Senate Bill No. 366, as amended, requires that, not later than January 1, 2025, the State Dental Health Officer submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature detailing the impact of authorizing the practice of dental therapy on the quality and availability of dental services in Nevada. Senate Bill No. 366, as amended, becomes effective upon passage and approval for purposes of adopting regulations and other preparatory administrative tasks necessary to carry out the provisions of this act; and on January 1, 2020, for all other purposes.

This bill creates a mid-level practitioner in the oral healthcare field. That practitioner will be required to get an education at dental school approved by the Commission on Dental Accreditation, which is the standard for education. It requires that early in their career they have a significant number of hours in the direct supervision of a dentist. It requires they work under a written agreement with a defined scope of practice with that dentist, and it requires they only work in certain public health settings. This is going to be a significant step forward in meeting the dental health needs of Nevadans. It is a first step because we need to figure out how to educate more of them and get them into the State, but the big first step is getting this type of professional established in statute. I appreciate your support.

Roll call on Senate Bill No. 366:

YEAS—17.

NAYS—Hammond, Kieckhefer, Ohrenschall, Settelmeyer—4.

Senate Bill No. 366 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 402.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 402, as amended, requires the Department of Motor Vehicles (DMV) to design, prepare and issue special license plates indicating support for science, technology, engineering, and mathematics or STEM. The bill, as amended, requires the DMV to deposit the \$25 issuance fee and the \$20 renewal fee generated by the special license plates to the Office of Science, Innovation and Technology (OSIT) to encourage the study of STEM by pupils in the State. The bill, as amended, also revises provisions related to the promotion and recognition of education programs related to STEM. Senate Bill No. 402, as amended, provides General Fund appropriations of \$250,000 in each year of the 2019-2021 biennium, to OSIT to award grants to elementary schools in the State to promote equitable access and increase the quality of programs designed to introduce and teach STEM. The bill, as amended, also provides General Fund appropriations of \$300,000 in each year of the 2019-2021 biennium to OSIT for a grant program through the regional advisory boards to fund activities and programs designed to promote the benefits of STEM and carry out programs that reinforce education in STEM. I urge your support.

Roll call on Senate Bill No. 402:

YEAS—21.

NAYS—None.

Senate Bill No. 402 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

SECOND READING AND AMENDMENT

Senate Bill No. 500.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 993.

SUMMARY—Revises provisions governing financial support for assisted living facilities. (BDR 40-1202)

AN ACT relating to assisted living facilities; ~~removing a required allocation of~~ revising provisions governing the manner in which certain money allocated to pay for ~~certain~~ assisted living facilities ~~and assisted living supportive services;~~ is used; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Fund for a Healthy Nevada, which receives a portion of the proceeds received by the State from any settlement with or judgment against a manufacturer of tobacco products. (NRS 439.620) Existing law requires the Department of Health and Human Services to use the money in the Fund for certain purposes. Such purposes include making an annual allocation of \$200,000 from the Fund to ~~pay for~~ (1) provide guaranteed funding to finance assisted living facilities that meet certain criteria prescribed in statute; and ~~certain~~ (2) fund such assisted living facilities and assisted living supportive services ~~provided pursuant to the home and community-based services waiver under Medicaid.~~ (NRS 439.630) This bill ~~removes the requirement for the Department to make that allocation, thereby authorizing the Department to use that money for any other purpose described in NRS 439.630.~~ instead requires such money to be used to award competitive grants to finance the establishment or expansion of assisted living facilities that provide services pursuant to the provisions of the home and community-based services waiver. This bill additionally requires the Director of the Department to reallocate to the Aging and Disability Services Division of the Department any money remaining after awarding grants to eligible applicants. This bill requires the Division to use that money for certain independent living programs of the Division.

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

Section 1. NRS 439.630 is hereby amended to read as follows:

439.630 1. The Department shall:

(a) Conduct, or require the Grants Management Advisory Committee created by NRS 232.383 to conduct, public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

- (1) Promote public health;
 - (2) Improve health services for children, senior citizens and persons with disabilities;
 - (3) Reduce or prevent the abuse of and addiction to alcohol and drugs;
- and
- (4) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities, and report the results of the evaluation to the Legislative Committee on Health Care on an annual basis.

(c) Subject to legislative authorization, allocate money for direct expenditure by the Department to pay for prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, for senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From the money allocated pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens pursuant to NRS 439.635 to 439.690, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.635 to 439.690, inclusive. The Department shall submit a quarterly report to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate regarding the general manner in which expenditures have been made pursuant to this paragraph.

(d) Subject to legislative authorization, allocate, by contract or grant, money for expenditure by the Aging and Disability Services Division of the Department in the form of grants for existing or new programs that assist senior citizens and other specified persons with independent living, including, without limitation, programs that provide:

- (1) Respite care or relief of informal caretakers, including, without limitation, informal caretakers of any person with Alzheimer's disease or other related dementia regardless of the age of the person;

- (2) Transportation to new or existing services to assist senior citizens in living independently; and

- (3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

↪ The Aging and Disability Services Division of the Department shall consider recommendations from the Grants Management Advisory Committee concerning the independent living needs of senior citizens.

(e) Allocate \$200,000 of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Director to:

~~— (1) Provide guaranteed funding~~ award competitive grants to finance the establishment or expansion of assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147; and

~~— (2) Fund assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147 and assisted living supportive services that are provided~~ provide services pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.3962.

~~—~~ The Director shall develop policies and procedures for distributing the money allocated awarding grants pursuant to this paragraph. ~~[Money]~~ If any money allocated pursuant to this paragraph does not revert to the Fund at the end of the fiscal year, remains after awarding grants to all eligible applicants, the Director must reallocate such money to the Aging and Disability Services Division of the Department to be used for the purposes described in paragraph (d).

(f) Subject to legislative authorization, allocate to the Division money for programs that are consistent with the guidelines established by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services relating to evidence-based best practices to prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco. In making allocations pursuant to this paragraph, the Division shall allocate the money, by contract or grant:

(1) To the district board of health in each county whose population is 100,000 or more for expenditure for such programs in the respective county;

(2) For such programs in counties whose population is less than 100,000; and

(3) For statewide programs for tobacco cessation and other statewide services for tobacco cessation and for statewide evaluations of programs which receive an allocation of money pursuant to this paragraph, as determined necessary by the Division and the district boards of health.

(g) ~~[(g)]~~ Subject to legislative authorization, allocate, by contract or grant, money for expenditure for programs that improve the health and well-being of residents of this State, including, without limitation, programs that improve health services for children.

(h) ~~[(g)]~~ Subject to legislative authorization, allocate, by contract or grant, money for expenditure for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Department shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite care or relief of informal caretakers for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

(i) ~~(((h))~~ Subject to legislative authorization, allocate money for direct expenditure by the Department to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.705 to 439.795, inclusive.

(j) ~~(((i))~~ Maximize expenditures through local, federal and private matching contributions.

(k) ~~(((j))~~ Ensure that any money expended from the Fund will not be used to supplant existing methods of funding that are available to public agencies.

(l) ~~(((k))~~ Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

(m) ~~(((l))~~ To make the allocations required by paragraphs ~~(((e))~~ (f) ~~(((and))~~ (g) ~~(((and))~~ (h):

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept applications for allocations;

(3) Review and consider the recommendations of the Grants Management Advisory Committee submitted pursuant to NRS 232.385;

(4) Conduct annual evaluations of programs to which allocations have been awarded; and

(5) Submit annual reports concerning the programs to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

(n) ~~(((m))~~ Transmit a report of all findings, recommendations and expenditures to the Governor, each regular session of the Legislature, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

(o) ~~(((n))~~ After considering the recommendations submitted to the Director pursuant to subsection 6, develop a plan each biennium to determine the percentage of available money in the Fund for a Healthy Nevada to be allocated from the Fund for the purposes described in paragraphs (c) ~~(((d))~~ (f) ~~(((g))~~ ~~(((h))~~ (i) ~~(((inclusive))~~ The plan must be submitted as part of the

proposed budget submitted to the Chief of the Budget Division of the Office of Finance pursuant to NRS 353.210.

(p) ~~/(o)/~~ On or before September 30 of each even-numbered year, submit to the Grants Management Advisory Committee, the Nevada Commission on Aging created by NRS 427A.032 and the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211 a report on the funding plan submitted to the Chief of the Budget Division of the Office of Finance pursuant to paragraph (o) ~~/(o)/~~

2. The Department may take such other actions as are necessary to carry out its duties.

3. To make the allocations required by paragraph (d) of subsection 1, the Aging and Disability Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens and other specified persons for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens and other specified persons upon approval of the Interim Finance Committee;

(d) Award grants, contracts or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the allocations made by the Aging and Disability Services Division pursuant to paragraph (d) of subsection 1 to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

4. The Aging and Disability Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging and Disability Services Division of the Department shall not expend or transfer any money allocated to the Aging and Disability Services Division pursuant to this section to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens pursuant to NRS 439.635 to 439.690, inclusive, or to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.

5. A veteran may receive benefits or other services which are available from the money allocated pursuant to this section for senior citizens or persons with disabilities to the extent that the veteran does not receive other benefits or services provided to veterans for the same purpose if the veteran qualifies for the benefits or services as a senior citizen or a person with a disability, or both.

6. On or before June 30 of each even-numbered year, the Grants Management Advisory Committee, the Nevada Commission on Aging and the Nevada Commission on Services for Persons with Disabilities each shall submit to the Director a report that includes, without limitation, recommendations regarding community needs and priorities that are determined by each such entity after any public hearings held by the entity.

Sec. 2. This act becomes effective on July 1, 2019.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 993 to Senate Bill No. 500 revises provisions governing the manner in which an annual allocation of \$200,000 from the Fund for a Healthy Nevada, which are tobacco settlement funds, is used to pay the assisted living facilities. Pursuant to the amendment, the purpose of the \$200,000 annual allocation is to first, award competitive grants to finance the establishment or expansion of assisted living facilities that provide services pursuant to the provisions of the home and community-based services waiver under Medicaid and, two, after awarding grants, any remaining funds must be reallocated to eligible applicants.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REMARKS FROM THE FLOOR

Senator Parks requested his remarks by entered into the Journal.

Today is Memorial Day, and in honor of this day my colleague in District 1 and I are wearing poppies. The wearing of poppies in honor of America's war dead is traditionally done on Memorial Day.

In the war-torn battlefields of World War I, the red field poppy was one of the first plants to grow. Its seeds scatter in the wind and sit dormant in the ground, only germinating when the ground is disturbed, as it was by the very brutal fighting during World War I. The practice of wearing poppies was inspired by the poem "In Flanders Fields," written in 1915 by Canadian Colonel and surgeon John McCrae.

Flanders Fields are in Belgium, near northwest France. The poem is spoken from the voice of the dead. I will read the poem:

In Flanders field the poppies blow between the crosses, row on row, that mark our place;

And in the sky the larks, still bravely singing, fly scarce heard amid the guns below.

We are the dead. Short days ago we lived, felt dawn, saw sunset glow, loved and were loved, and now we lie in Flanders fields.

Take up our quarrel with the foe: To you from failing hands we throw the torch; be yours to hold it high.

If you break faith with us who die, we shall not sleep, though poppies grow

In Flanders fields.

Senator Spearman requested her remarks by entered into the Journal.

I do not only want to pay homage to the men and women who have fought in past wars; often, people forget we are still at war, even though at a limited basis, in Iraq and Afghanistan. We still have troops, such as the National Guard, being deployed from Nevada to these locations.

My last assignment was at the Pentagon in the Operations Center, which is called the “belly of the beast.” We saw everything that happened in the war in just about real time. Researchers have said between six out of ten deaths in Iraq were related to oil. That includes the transferring of oil, convoys and other things related to oil. Some have put the estimate higher. While at the Pentagon and preparing killed-in-action reports for the Chief of Staff, I saw the names of people ranging from 18 years old to their mid-50s. I saw some who were in families. One time I saw three names that were the same. I believe they may have been three generations of the same family, but I am not sure. That gave me a sober understanding of what we mean by national security.

Those of you here last Session might remember retired Admiral Lee Gunn who spoke to us about the need to ensure we do things differently regarding our energy policies and climate change. He is part of a group of more than 20 retired Admirals and Generals who are in a research team at the Center for Naval Analysis. I will read a portion of what they say in a study entitled “National Security and the Threat of Climate Change.” The study says, “The military advisory board hopes these findings will contribute to the call that President Bush made in his 2007 State of the Union Address, to help us address the serious challenge of global climate change by contributing a new voice and perspective to this issue.” One highlight of this is, “Projected climate poses a serious threat to America’s national security.” Another is, “Climate change acts as a threat multiplier for instability in some of the most volatile regions of the world.” Another is, “Projected climate change will add to tensions even in the stable regions of the world. Climate change, national security and energy dependence are a related set of global challenges.”

The military advisory board recommends, “The national security consequences of climate changes should be fully integrated into the national security and national defense strategies. The United States should commit to a stronger national and international role to help stabilize climate change at levels that will avoid significant disruption to global security and stability. Finally, the United States should commit to global partnerships that help less developed nations build the capacity and resiliency to better manage climate in their parts.”

I wanted to share these things so when we discuss energy and the need for establishing renewables in Nevada, we remember there are young men and women, and older ones as well, who have left their blood on the oilfields of Iraq and some of the other most dangerous places in the world in an effort to secure our freedom. This is not about flat-earth or round-earth, these are generals who have been responsible for ensuring we have the right strategic forces and strategies in place to keep America free. It is only free because we are the Home of the Brave.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 20, 73, 364, 382; Senate Resolution No. 7.

Senator Cannizzaro moved that the Senate adjourn until Tuesday, May 28, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 9:52 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate