

NEVADA LEGISLATURE

Eighty-First Session, 2021

ASSEMBLY DAILY JOURNAL

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 15, 2021

Assembly called to order at 11:52 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Rabbi Benjamin Zober.

May it be Your will that we “proclaim liberty throughout the land.” When this body creates laws, may it create freedom. And that the blessings of this freedom reach all who call this land home. We ask that those entrusted with safeguarding our freedom be ever mindful of the poet’s words, that “until we are all free, we are none of us free.” May that awareness spur them to support the fallen, to free the captive, welcome the stranger, defend the powerless, and keep faith with those who sleep in the dust.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 178, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 210, 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA JAUREGUI, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 67, 105, 109, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 54, 154, 320, 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 149, 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 14, 2021

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 268.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 7, 33, 41, 54, 60, 72, 145, 148, 173, 212, 222, 245, 387.

SHERRY RODRIGUEZ

Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 14, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 188 and 415.

SARAH COFFMAN

Fiscal Analysis Division

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 59 and 143 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 7.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 33.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 41.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 54.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Senate Bill No. 60.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 72.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 145.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 148.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 173.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 212.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 222.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 245.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 268.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 387.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 8.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

Assembly Bill 8 revises various provisions related to gaming. Specifically, the bill adds various types of workers to the definition of “gaming employee” thereby requiring them to register with the Nevada Gaming Control Board. These workers include employees of certain persons registered to operate as cash access and wagering instrument service providers and certain other persons designated by the Nevada Gaming Commission by regulation. It also authorizes the Nevada Gaming Commission to adopt regulations that allow a licensee to accept an electronic signature from a patron on a credit instrument; it removes the monthly payment option for the fee required from a licensee who concludes a gaming operation; and makes various technical and conforming changes. This bill is effective on July 1, 2021.

Roll call on Assembly Bill No. 8

YEAS—42.

NAYS—None.

Assembly Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 30.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Assembly Bill 30 revises a requirement for eligibility of certain nonprofit organizations to receive a grant from the Account for Aid for Victims of Domestic Violence, which is administered by the Division of Child and Family Services of the Department of Health and Human Services. If a nonprofit is in a county whose population is less than 100,000, it must offer services that are primarily, rather than exclusively, for victims of domestic violence. To be eligible for a grant, a nonprofit must be able to provide certain services and programs. Lastly, the name of the Account is changed to the Account for Aid for Victims of Domestic or Sexual Violence.

Roll call on Assembly Bill No. 30

YEAS—42.

NAYS—None.

Assembly Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 33.

Bill read third time.

Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:

Assembly Bill 33 authorizes the paternity of a child to be legally established during a civil proceeding concerning the protection of a child. A judgment or order entered in an action to establish paternity issued during such a proceeding is not subject to the provisions relating to the confidentiality of judgments or orders in a proceeding concerning the protection of a child, and is a final order.

Roll call on Assembly Bill No. 33

YEAS—42.

NAYS—None.

Assembly Bill No. 33 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 43.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 43 requests that the Nevada Supreme Court study and make recommendations concerning the procedural and substantive statutes and rules of the Commission on Judicial Discipline and compile all nonconfidential statistics relating to the work of the Commission for the Legislature's consideration.

Roll call on Assembly Bill No. 43

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, McArthur, Wheeler—6.

Assembly Bill No. 43 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 51.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Assembly Bill 51 defines "single-family residence" to establish eligibility to recover damages from the Recovery Fund administered by the State Contractors' Board. The bill provides that an injured person who has obtained a judgement against a residential contractor and received payment from the Fund assigns to the Board his or her rights to enforce the judgment up to the amount of the payment. The injured person retains all other applicable rights. Additionally, the measure increases the amount of certain administrative fines the Board may impose on a residential contractor for failing to notify an owner of his or her rights relating to the Recovery Fund. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 51

YEAS—42.

NAYS—None.

Assembly Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 52.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Assembly Bill 52 adds to the Land Use Planning Advisory Council one voting member appointed by the Nevada Indian Commission, and one nonvoting member appointed by the Nevada League of Cities and Municipalities. The bill also requires the Advisory Council to advise any federal or state agency or local government on land use planning and policy; assist and advise in the resolution of inconsistencies in land use plans, if requested; and make recommendations related to areas of critical environmental concern. Finally, in addition to other provisions, the bill changes the minimum period required in existing law for notice of certain public hearings of the Advisory Council.

Roll call on Assembly Bill No. 52

YEAS—42.

NAYS—None.

Assembly Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 68.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 68 makes three primary changes to charter school provisions. First, it exempts a charter school that has been approved to be rated under the alternative performance framework from both mandatory contract termination and the requirement that the State Public Charter School Authority [SPCSA] deny a request to amend a charter contract if the charter school does not meet certain requirements of the performance framework. Second, it authorizes the sponsor of a charter school to eliminate certain elementary, middle, or high schools, or campuses of a charter school if the school does not meet certain performance criteria or under certain other circumstances. Third, it increases the time period in which the SPCSA must consider new charter school applications from 60 to 120 days.

Roll call on Assembly Bill No. 68

YEAS—42.

NAYS—None.

Assembly Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 69.

Bill read third time.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Assembly Bill 69 makes various changes to provisions relating to the Governor's Office of Economic Development, including revising the definition of "motion pictures" to include feature films, programs made for broadcast or other electronic transmission, commercials, and other audiovisual media; requiring the Executive Director of the Office be appointed by the Governor from a list of not more than three persons recommended by the Board of Economic Development, rather than from a list of exactly three persons; adding the Director of the Department of Business and Industry as a nonvoting member of the Board of Economic Development; changing the name of the Division of Motion Pictures to the Nevada Film Office; requiring that the library of filming locations maintained by the office be made available on an Internet website maintained by that office; and removing a requirement that registrations filed with the Film Office by a media production company be signed by the head of the county business license agency, in a county whose population is 700,000 or more.

Roll call on Assembly Bill No. 69

YEAS—38.

NAYS—Black, Ellison, Matthews, McArthur—4.

Assembly Bill No. 69 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 71.

Bill read third time.

Remarks by Assemblywoman González.

ASSEMBLYWOMAN GONZÁLEZ:

Assembly Bill 71 makes confidential the specific location of a rare plant or animal species or ecological community that is included in data systems maintained by the Division of Natural Heritage of the State Department of Conservation and Natural Resources. This bill also authorizes, under certain circumstances, the administrator of the Division to release this confidential information. Specifically, the bill provides that the administrator shall release this confidential information to private landowners where this rare plant or animal species or ecological community occur, as well as to entities engaged in conservation, environmental review, or scientific research.

Roll call on Assembly Bill No. 71

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—16.

Assembly Bill No. 71 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 88.

Bill read third time.

Remarks by Assemblywomen Tolles and Brittney Miller.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 88 requires that charter schools, public schools, and universities for the profoundly gifted adopt policies prohibiting the use of a name, logo, mascot, song, or other identifier that is racially discriminatory, or contains racially discriminatory language or imagery. However, an identifier associated with a federally recognized Indian tribe may be used if the school obtains permission for such use from the tribe.

Assembly Bill 88 also requires the Nevada State Board on Geographic Names to recommend changing the name of any geographic feature or place that is racially discriminatory or contains racially discriminatory language or imagery. The Board must submit a report to the Legislative Counsel Bureau annually on such recommended changes. This bill is effective on October 1, 2021.

ASSEMBLYWOMAN BRITTNEY MILLER:

I rise in support of Assembly Bill 88. This bill gives us the opportunity to make right of past wrongs and provide justice to the impacted communities who face the daily reminder that their cultures have been turned into objective symbols of entertainment and fodder. Schools are meant to be safe and respectful learning environments, so why are we allowing schools to teach children that it is okay to view cultures as nothing more than a prop? Allowing educational institutions to represent, sell, and mock entire cultures perpetuates the idea that racist practices are okay. I can tell you, as someone who endures this personally, just how demoralizing this is, and it must stop. The theatrical imitation of a culture serves as a reminder of the negative and false stereotypes whereby a culture is seen through the limited lens of the spectator. Our schools are the last place we should allow this kind of messaging to be taught, let alone allow this kind of imagery to exist.

We have voted on bills that remove outdated and derogatory language, and this bill is exactly the next step in making Nevada a more equitable home for all. I urge this body not to pick and choose which racial justice issues to support, meaning not just the easy, feel-good celebratory ones. If we support one, we need to support all racial justice measures, especially those pertaining to education, health, and criminal justice. Nevada, with our incredibly rich and enormous diversity, is positioned to be the state to eradicate discrimination and racism in our structural institutions. We can be one step closer by supporting Assembly Bill 88.

Roll call on Assembly Bill No. 88

YEAS—36.

NAYS—Black, Dickman, Ellison, Matthews, O’Neill, Wheeler—6.

Assembly Bill No. 88 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 104.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 104 revises provisions related to persons who have received compensation for a wrongful conviction. The period used to calculate an award of monetary compensation begins on the date the person was wrongfully convicted and imprisoned and ends on the date the wrongful conviction was reversed or the person was released from prison, whichever is earlier. The bill establishes limitations on the dollar amount of awards for certain items, such as payment for counseling, health care, housing, and tuition. Finally, the bill indicates that payment does not become effective without the prior approval of the State Board of Examiners.

Roll call on Assembly Bill No. 104

YEAS—42.

NAYS—None.

Assembly Bill No. 104 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblywoman Hardy.

ASSEMBLYWOMAN HARDY:

Assembly Bill 113 provides that sex trafficking must be found, or an information or complaint filed, within six years after the commission of the offense. The amendatory provisions of this bill apply to a person who committed sex trafficking before July 1, 2021, if the applicable statute of limitations has commenced but has not yet expired on July 1, 2021; or who commits sex trafficking on or after July 1, 2021.

This bill came to me through a student from the UNLV William S. Boyd School of Law. Many of you had the honor, as did I, of participating in the Making a Law Competition through an organization at the school called Policy and Legislation Society. So I want to thank that law student for bringing this bill and for working with me through the process to get to this point of having it being voted on. Thank you to all of those helped in that process.

Assembly Bill 113 is a bill that I believe will be a huge step forward in helping give victims of human trafficking the opportunity to seek justice. These victims are strong, brave, and truly courageous. Their stories are tragic and heartbreaking. The trauma and abuse they suffer—we cannot even begin to understand. The emotional and physical wounds they endure often take years to heal. Victim advocates and victims themselves will tell you that long after the physical injuries have faded, the mental and emotional scars remain and can have lasting effects.

Assembly Bill 113 will give victims the time they need for healing to feel safe and empowered to finally confront their abusers and to move forward with their lives. This is justice. This is righting a wrong, and these young men and women deserve the opportunity to stand up, seek justice, and save others from a similar fate. It is my hope that the scourge of human trafficking will one day disappear. Until then, there are steps that we can take to stem the tide, and this bill is a step in the right direction. I urge you to join me in voting in favor of Assembly Bill 113. Support victims, and give them the time they need to seek the justice they so rightly deserve.

Roll call on Assembly Bill No. 113

YEAS—42.

NAYS—None.

Assembly Bill No. 113 having received a constitutional majority,
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 130.

Bill read third time.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

Assembly Bill 130 requires an insurance company to offer in a policy that covers motorcycles the same optional coverage for the payment of reasonable and necessary medical expenses resulting from a crash that is currently only available in a policy that covers other motor vehicles. The measure also requires an insurance company transacting motor vehicle insurance in Nevada to offer uninsured and underinsured coverage in an amount equal to the limits of coverage for bodily injury sold to an insured under a policy of insurance covering the use of a motorcycle. Finally, the measure clarifies that certain provisions of policies that allow for a premium reduction if the vehicle is equipped with or contains certain safety devices do not apply to motorcycles.

Roll call on Assembly Bill No. 130

YEAS—42.

NAYS—None.

Assembly Bill No. 130 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 160.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 160 requires a court to allow credit for time spent in confinement before conviction to reduce a sentence of imprisonment and authorizes a court to allow credit for time spent in residential confinement before conviction to reduce a sentence of imprisonment. If a person is guilty of a misdemeanor, the court may order that credit be allowed against the sentence for the lesser of 25 percent of the amount of time that the defendant spent in residential confinement before conviction or 60 days under certain circumstances.

Roll call on Assembly Bill No. 160

YEAS—33.

NAYS—Black, Dickman, Ellison, Leavitt, Matthews, McArthur, O’Neill, Titus, Wheeler—9.

Assembly Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 177.

Bill read third time.

Remarks by Assemblywomen Benitez-Thompson and Titus.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Assembly Bill 177 requires a pharmacy, except an institutional pharmacy, to provide the information required to be on the label of a prescription drug in English and, upon request of a prescribing practitioner, patient, or authorized representative of a patient, another language prescribed by the Board. A pharmacy must post in a conspicuous place a notice informing the patient that he or she may request this information in a language other than English along with a list of languages in which the information is available.

I rise in support of Assembly Bill 177. I passionately believe that we will enhance patient and consumer safety by allowing prescriptions to be labeled in a language that can be easily read by people who are not English proficient. I also want to acknowledge that we are having an evolving conversation regarding the liability concerns in this bill, and I look forward to addressing those with this bill moving forward.

ASSEMBLYWOMAN TITUS:

I want to acknowledge the Majority Leader’s comments about the evolving discussion on this bill. I appreciate that, and that is absolutely one of my concerns over this bill. I also am concerned about the potential rising costs. So I am in opposition of this bill the way it is currently written for fear that one of the things it is going to do, the unintended consequence, is increase the cost of these prescriptions. One of the most common sound bites we have right now on the political campaign trail is lowering the cost of prescription drugs and health care. Unfortunately, I feel this bill may raise the cost of health care. At this time, I will have to be a no.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

I just want to make clear that there were no definitive costs uploaded in any of the exhibits or any numbers presented. I just want to make clear that there was nothing on the record specific to cost.

Roll call on Assembly Bill No. 177

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—16.

Assembly Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 186.

Bill read third time.

Remarks by Assemblywoman Nguyen.

ASSEMBLYWOMAN NGUYEN:

Assembly Bill 186 prohibits a law enforcement agency from requiring a peace officer to issue a certain number of traffic citations or to make a certain number of arrests. Additionally, the bill prohibits a law enforcement agency from considering the number of citations or arrests, or the amount of fines or fees assessed from the citations or arrests made by a peace officer, in evaluating their performance.

Roll call on Assembly Bill No. 186

YEAS—41.

NAYS—Ellison.

Assembly Bill No. 186 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 190.

Bill read third time.

Remarks by Assemblywoman Bilbray-Axelrod.

ASSEMBLYWOMAN BILBRAY-AXELROD:

Assembly Bill 190 requires a private employer that provides employees with sick leave to allow those employees to use accrued sick leave to assist a member of the employee's immediate family with certain medical needs. The employer may limit the amount of family sick leave employees may use to an amount that is equal to, not less than, the amount of sick leave that the employee accrues during a six-month period. If an employee is covered under a valid collective bargaining agreement, the employer is excluded from these provisions.

Roll call on Assembly Bill No. 190

YEAS—30.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Krasner, Leavitt, Matthews, McArthur, Roberts, Titus, Wheeler—12.

Assembly Bill No. 190 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 197.

Bill read third time.

Remarks by Assemblymen Watts and Titus.

ASSEMBLYMAN WATTS:

Assembly Bill 197 authorizes a minor, who demonstrates through documentary proof that he or she is living apart from his or her parents or legal guardian, to consent to certain health

examinations or services provided by certain providers of health care for himself or herself or his or her child. The bill also removes the requirement that a minor must have lived apart from his or her parents or legal guardian for a period of at least four months. Finally, AB 197 revises provisions that require the State Registrar to provide birth certificates to a homeless person free of charge.

ASSEMBLYWOMAN TITUS:

Unfortunately, I have to rise in opposition of Assembly Bill 197. This body has heard me complain many times that I, as a medical professional, cannot treat a minor for even a cut without parental permission. But unfortunately, I feel this bill goes too far in the opposite direction. I think that it makes it much easier for a youth to go around their parents' permission and seek medical care by claiming they are homeless and leaving their parents in the dark. We know that society is strongest when families are strong, and I feel this bill does not serve that purpose.

Roll call on Assembly Bill No. 197

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O'Neill, Roberts, Titus, Tolles, Wheeler—16.

Assembly Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblymen Matthews and Titus.

ASSEMBLYMAN MATTHEWS:

Assembly Bill 205 authorizes a school nurse, or other designated employee of a school who is properly trained, to administer an opioid antagonist to any person on the premises of the school who is reasonably believed to be experiencing an opioid-related drug overdose. This bill provides that a health care professional is not subject to disciplinary action for issuing an order for opioid antagonists to a school, and exempts a school, school district, employee of a school, registered pharmacist, health care professional, and various other persons from liability for certain damages relating to the provision or administration of an auto-injectable epinephrine or an opioid antagonist under certain circumstances.

ASSEMBLYWOMAN TITUS:

I rise in support of Assembly Bill 205, and I want to acknowledge my colleague from Assembly District 29 for keeping her word to former Speaker Hambrick. This was a bill that he championed in previous sessions, and I am so happy to see it come before this body. I urge your support.

Roll call on Assembly Bill No. 205

YEAS—42.

NAYS—None.

Assembly Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 212.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Assembly Bill 212 revises and expands the membership of the committee to advise the court administrator regarding the adoption of regulations relating to the certification or registration of

court interpreters for persons with limited English proficiency who are defendants, litigants, and witnesses. Additionally, the committee is required to make public an annual report that summarizes the activities of the committee and statistical information concerning the usage of court interpreters. The report must be submitted to the Chief Justice of the Nevada Supreme Court and to the Legislature.

Roll call on Assembly Bill No. 212

YEAS—42.

NAYS—None.

Assembly Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 215.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

Assembly Bill 215 requires Nevada's Department of Education to adopt regulations requiring school districts offering courses for an adult to earn a high school diploma to allow a person who has not received a high school diploma to enroll if they are at least 18 years of age or meet the requirements for participation in the statewide program of education for incarcerated persons, or are at least 17 years of age and have attended at least four years of high school. This bill is effective on July 1, 2021.

Roll call on Assembly Bill No. 215

YEAS—42.

NAYS—None.

Assembly Bill No. 215 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 228.

Bill read third time.

Remarks by Assemblywomen Brittney Miller and Tolles.

ASSEMBLYWOMAN BRITTNEY MILLER:

Assembly Bill 228 provides for the establishment of children's advocacy centers where multidisciplinary teams work to investigate and help children recover from abuse and neglect. Requirements governing the credentialing and operation of such centers are specified in the bill.

ASSEMBLYWOMAN TOLLES:

According to the CDC [Centers for Disease Control and Prevention], one in four girls and one in six boys will be sexually abused before the age of 18. In 2019, 1,840 children died of abuse and neglect and throughout this past year of COVID-19, there has been an increase in the percentage of visits related to child abuse and neglect that resulted in hospitalizations. Assembly Bill 228 supports child advocacy centers in Nevada. These centers provide a coordinated response to child abuse cases through a multidisciplinary team. This wraparound approach is proven to greatly improve outcomes for children and families that have experienced abuse. In 2019, Nevada's child advocacy centers provided services to 4,309 children in 16 of Nevada's 17 counties. However, the capacity of Nevada's current child advocacy centers needs to be expanded even further to help Nevada families. It is on behalf of those children and those families that I urge your support.

Roll call on Assembly Bill No. 228

YEAS—42.

NAYS—None.

Assembly Bill No. 228 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 237.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 237 revises various provisions concerning common-interest communities. It revises certain fees that a unit-owners' association may charge; authorizes the increase in certain fees on an annual basis; prohibits an association from imposing or charging certain fees; establishes a procedure for the Commission for Common-Interest Communities to investigate complaints alleging violations of the fee provisions; provides that a public offering statement and the entire resale package do not need to be prepared or delivered in certain dispositions of a unit; revises the notification requirements in the case of a foreclosure sale; requires a court, to the extent necessary to grant appropriate relief, to ascertain the state of the title to the property to be partitioned pursuant to the report of a title company; and it removes obsolete provisions regarding certain mortgages of personal property or crops from the provisions of law relating to the recording of assignments of mortgages and the subordination or waiver of priority of mortgages and other interests in real property.

Roll call on Assembly Bill No. 237

YEAS—38.

NAYS—Black, Ellison, Matthews, McArthur—4.

Assembly Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 250 requires an insurer, a nonprofit hospital, a medical or dental service corporation, and a local government that issues an insurance policy for a Medicare supplemental policy, including the Public Employees' Benefits Program, to offer an annual enrollment period during which a person may enroll in a Medicare supplemental policy that includes the same or lesser benefits without being subject to medical underwriting.

Roll call on Assembly Bill No. 250

YEAS—41.

NAYS—Black.

Assembly Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Assembly Bill 261 requires the board of trustees of a school district or the governing body of a charter school to ensure that instruction is provided to pupils enrolled in grades K–12 on the history and contributions to science, the arts, and humanities of certain groups of persons. Additionally, the bill requires the instruction be included in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools; be age-appropriate; and be included in one or more courses of study for which the Council has established relevant standards of content and performance. Finally, the bill prohibits the State Board of Education from selecting instructional materials, including, without limitation, a textbook, for use in the public schools unless the instructional materials accurately portray the history and contributions to science, the arts, and humanities of the specified groups of persons.

This bill was brought forward from a group of high school students in both Clark County and Washoe County. The majority of these students will not, in fact, be helped by this language. Instead, they saw a problem in the textbooks they were studying and/or being provided to them and they decided it was better to help the people who would be coming after them. This allows our instructional materials, adopted by a district or state, to be a strong reflection of our students themselves. I ask for your support of AB 261.

Roll call on Assembly Bill No. 261

YEAS—26.

NAYS—Black, Dickman, Ellison, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O’Neill, Roberts, Titus, Tolles, Wheeler—16.

Assembly Bill No. 261 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 284.

Bill read third time.

Remarks by Assemblywoman Martinez.

ASSEMBLYWOMAN MARTINEZ:

Assembly Bill 284 establishes a procedure for a person to contest the validity of a lien on a motor vehicle. After the receipt of a notice of opposition to a lien, the Department of Motor Vehicles [DMV] is prohibited from transferring the vehicle’s title until the matter has been adjudicated. A lien on a motor vehicle expires six months after it is filed with the DMV. The provisions of this bill do not apply to a lien asserted by the operator of a tow car holding a certificate of public convenience and necessity.

Roll call on Assembly Bill No. 284

YEAS—42.

NAYS—None.

Assembly Bill No. 284 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 325.

Bill read third time.

Remarks by Assemblywoman Black.

ASSEMBLYWOMAN BLACK:

Assembly Bill 325 authorizes the submission of a certified paper copy of an electronic document for recording to a county recorder who has elected to receive and record electronic documents. The bill also prescribes a certificate sufficient for certifying that a paper copy is a true and correct copy of an electronic document.

Roll call on Assembly Bill No. 325

YEAS—42.

NAYS—None.

Assembly Bill No. 325 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 338.

Bill read third time.

Remarks by Assemblymen Orentlicher and Dickman.

ASSEMBLYMAN ORENTLICHER:

Assembly Bill 338 modifies the existing authority of the State Treasurer to invest public funds in foreign bonds, notes, or other obligations. The bill allows investments and obligations that are not publicly traded and also brings our requirements in line with other states by reducing from “AA” to “A” the minimum rating by a nationally recognized rating service required for those obligations to be an authorized investment.

ASSEMBLYWOMAN DICKMAN:

I rise in opposition to Assembly Bill 338. This bill allows for the purchase of bonds rated “A” instead of the current “AA.” Also it takes public money garnered from taxpayers to be invested in certain foreign bonds or notes that may offer higher interest rates but also would not need to be publicly traded. I am voting no, and I urge my colleagues to do the same.

ASSEMBLYMAN ORENTLICHER:

Just to be clear, the Treasurer already has the authority to invest in foreign bonds. The changes here allow a little more flexibility for the Treasurer to allow us to bring higher returns, increase our revenues by hundreds of thousands of dollars, with no meaningful increase in risk. Every other state that allows these kinds of investments allows “A.” That includes Ohio, Illinois, Utah, Colorado, Arizona, Georgia, Oklahoma, and Louisiana. Some even go lower. The Treasurer is okay with this, and I urge your support.

Roll call on Assembly Bill No. 338

YEAS—25.

NAYS—Black, Dickman, Ellison, Flores, Hafen, Hansen, Hardy, Kasama, Krasner, Leavitt, Matthews, McArthur, O’Neill, Roberts, Titus, Tolles, Wheeler—17.

Assembly Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 344.

Bill read third time.

Remarks by Assemblywoman Thomas.

ASSEMBLYWOMAN THOMAS:

Assembly Bill 344 authorizes the Aging and Disability Services Division of the Department of Health and Human Services to establish a program to facilitate the transition of older persons and persons with a disability from a hospital to their places of residence. Additionally, the bill requires such a program to provide for collaboration between hospital staff responsible for a discharge, the older person or person with a disability being discharged, and his or her caregivers; and facilitate the coordination of health care and social services for an older person or person with a disability.

Roll call on Assembly Bill No. 344

YEAS—34.

NAYS—Black, Dickman, Ellison, Hafen, Matthews, McArthur, O’Neill, Wheeler—8.

Assembly Bill No. 344 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 362.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 362 requires the board of trustees of the College Savings Plans of Nevada to adopt and, as necessary, revise a policy for the use of any money in the Nevada Higher Education Prepaid Tuition Trust Fund that is in excess of the amount of money determined by the board to be required to establish a guaranteed rate for tuition under a prepaid tuition contract. The bill also authorizes the use of money in the Trust Fund for the payment of qualified higher education expenses for qualified beneficiaries.

Roll call on Assembly Bill No. 362

YEAS—39.

NAYS—Black, McArthur, Wheeler—3.

Assembly Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 394.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 394 provides that a behavioral health specialist performing mobile crisis intervention services by telephone or audio-video communication is immune from any civil liability in the performance of mobile crisis intervention services under certain circumstances.

Roll call on Assembly Bill No. 394

YEAS—39.

NAYS—Black, Ellison, McArthur—3.

Assembly Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 403.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 403 decriminalizes the commission of certain prohibited acts by a pedestrian who does not yield the right-of-way to vehicles when crossing a street; does not cross an intersection at a crosswalk; or crosses an intersection diagonally. Such a violation is no longer a misdemeanor, but instead, is punishable by a civil penalty of up to \$100. This bill applies to persons who are alleged to have committed the violation but have not been convicted of it before the effective date of this bill.

Roll call on Assembly Bill No. 403

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 437.

Bill read third time.

Remarks by Assemblywoman Black.

ASSEMBLYWOMAN BLACK:

Assembly Bill 437 revises certain educational qualifications for a license to practice embalming. The bill also allows for the issuance of a license by reciprocity to practice the profession of embalming to an applicant who has practiced embalming successfully for at least five years and practiced actively for at least two of the previous five years. Finally, the bill authorizes a student enrolled in an accredited embalming college or school of mortuary science to enter an embalming room without the express permission of the immediate family of the deceased. This bill is effective on October 1, 2021.

Roll call on Assembly Bill No. 437

YEAS—40.

NAYS—Carlton, Ellison—2.

Assembly Bill No. 437 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 55.

AN ACT relating to traffic safety; creating the Advisory Committee on Traffic Safety within the Department of Transportation; requiring the Advisory Committee to review, study and make recommendations regarding certain issues relating to traffic safety in this State and to prepare an annual report of its activities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Transportation and, in part, requires the Director of the Department to: (1) cause a general plan of the highways to be made and kept by the Department; and (2) collect information and compile statistics and maps relating to the mileage, traffic, character and condition of the highways. (NRS 408.106, 408.190) This bill creates the Advisory Committee on Traffic Safety within the Department of Transportation and establishes the membership of the Advisory Committee. This bill requires the Advisory Committee to review, study and make recommendations regarding: (1) **evidence-based** best practices for reducing **or preventing** deaths and injuries related to motor vehicle crashes on roadways in this State; (2) data on motor vehicle crashes resulting in death or serious bodily injury in this State; **(3) policies intended to reduce or prevent deaths and injuries related to**

motor vehicle crashes on roadways in this State; and ~~[(3)]~~ **(4)** any other submitted matter. This bill also requires the Advisory Committee to prepare and submit to the Governor and the Legislature an annual report concerning its activities. Finally, this bill authorizes the Advisory Committee to establish working groups, task forces and similar entities as necessary to assist in its work.

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Advisory Committee on Traffic Safety is hereby created in the Department. The Advisory Committee consists of the following ~~16~~ voting members:

(a) The Director of the Department of Transportation or his or her designee;

(b) The Director of the Department of Health and Human Services or his or her designee;

(c) The Director of the Department of Motor Vehicles or his or her designee;

(d) The Director of the Department of Public Safety or his or her designee;

(e) The Superintendent of Public Instruction or his or her designee;

(f) One member who is a representative of the Department of Transportation, appointed by the Director of the Department of Transportation;

(g) One member who is a representative of the Department of Public Safety, appointed by the Director of the Department of Public Safety;

(h) One member appointed by the Speaker of the Assembly who is a member of the Assembly Standing Committee on Growth and Infrastructure during the current or immediately preceding regular session;

(i) One member appointed by the Majority Leader of the Senate who is a member of the Senate Standing Committee on Growth and Infrastructure during the current or immediately preceding regular session;

(j) One member who is a representative of the Administrative Office of the Courts, appointed by the Chief Justice of the Supreme Court of Nevada;

(k) One member who represents ~~Indian tribes,~~ tribal governments in Nevada, appointed by the ~~Director of the Department of Transportation,~~ and Inter-Tribal Council of Nevada, Inc., or its successor organization;

(l) ~~Five~~ Two members ~~who represent local governmental entities,~~ who are full- or part-time faculty members in the Nevada System of Higher Education and have expertise in traffic safety or trauma care, appointed by the Director of the Department of Transportation ~~;~~ ;

(m) One member appointed by each metropolitan planning organization to represent the appointing organization;

- (n) One member appointed by the Nevada Association of Counties;
- (o) One member appointed by the Nevada League of Cities; and
- (p) One member who represents local law enforcement agencies, appointed by the Nevada Sheriffs' and Chiefs' Association.

2. The Director of the Department of Transportation may appoint as nonvoting members of the Advisory Committee such other persons as the Director deems appropriate.

3. The term of office of each member appointed to the Advisory Committee is 2 years. Such members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the appointed voting membership of the Advisory Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

~~3.4~~ 4. The members of the Advisory Committee shall elect from their voting membership a Chair and a Vice Chair. The term of office of the Chair and the Vice Chair is 2 years. If a vacancy occurs in the office of Chair or Vice Chair, the members of the Advisory Committee shall elect a Chair or Vice Chair, as applicable, from among its voting members to serve for the remainder of the unexpired term.

~~4.4~~ 5. The Advisory Committee shall meet at least once each calendar quarter and may meet at such further times as deemed necessary by the Chair.

~~5.4~~ 6. A majority of the voting members of the Advisory Committee constitutes a quorum for the transaction of business. If a quorum is present, the affirmative vote of a majority of the voting members of the Advisory Committee present is sufficient for any official action taken by the Advisory Committee.

~~6.4~~ 7. Each member of the Advisory Committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

~~7.4~~ 8. The Department shall provide administrative support to the Advisory Committee.

~~8.4~~ 9. The Advisory Committee shall review, study and make recommendations regarding:

(a) ~~Best~~ Evidence-based best practices for reducing or preventing deaths and injuries related to motor vehicle crashes on roadways in this State;

(b) Data on motor vehicle crashes resulting in death or serious bodily injury in this State, including, without limitation, factors that cause such crashes and measures known to prevent such crashes; ~~and~~

(c) Policies intended to reduce or prevent deaths and injuries related to motor vehicle crashes on roadways in this State; and

(d) Any other matter submitted by the Chair.

~~9.4~~ 10. The Advisory Committee shall prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report concerning the activities of

the Advisory Committee that addresses, without limitation, any issue reviewed or studied and any recommendations made by the Advisory Committee pursuant to subsection ~~8~~ 9.

~~10~~ 11. *The Advisory Committee may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.*

12. *As used in this section, “metropolitan planning organization” means an entity that has been designated as a metropolitan planning organization pursuant to 23 U.S.C. § 134 and 49 U.S.C. § 5303.*

Sec. 2. 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. 3. This act becomes effective on July 1, 2021.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 67.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 115.

AN ACT relating to education; revising provisions relating to the suspension, expulsion or permanent expulsion of a pupil from a public school, charter school or university school for profoundly gifted pupils in certain circumstances; providing that certain hearings and proceedings relating to suspending, expelling or permanently expelling a pupil are not subject to the Open Meeting Law; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) authorizes a pupil to be suspended or expelled from a public school in certain circumstances; and (2) provides that a pupil who is not more than 10 years of age must not be permanently expelled from a public school, except in certain circumstances. (NRS 392.466, 392.467) Existing law requires a pupil to be expelled or permanently expelled if the pupil is found with a firearm or dangerous weapon at a public school, at a public school-sponsored activity or on a public school bus. (NRS 392.466, 392.467) Existing law imposes similar requirements on charter schools and university schools for profoundly gifted pupils. (NRS 388A.495, 388C.150)

Sections 12, 13 and 15 of this bill define “expel,” “permanently expel” and “suspend,” respectively, for the purposes of school discipline. **Sections 6, 8, 23 and 24** of this bill revise the circumstances in which a pupil may be suspended, expelled or permanently expelled. Existing law authorizes a pupil who is enrolled in or participating in a program of special education to be suspended or expelled in certain circumstances. (NRS 388A.495, 388C.150, 392.466, 392.467) **Sections 6, 8, 23 and 24** instead authorize a pupil with a

disability to be suspended, expelled or permanently expelled in certain circumstances, while **section 14** of this bill defines “pupil with a disability.” **Sections 1-5, 7, 9, 16-21, 25 and 26** of this bill make conforming changes relating to the terms defined in **sections 12-15**.

Existing law provides that a pupil may be deemed a habitual disciplinary problem if the pupil has received five suspensions in one school year and the pupil has not entered into and participated in a plan of behavior. (NRS 392.4655) **Section 28** of this bill eliminates the requirement that a pupil be deemed suspended from school if: (1) the pupil is prohibited from attending school for 3 or more consecutive days; and (2) a conference or communication with the parent or guardian of the pupil is required before the pupil may return to school. (NRS 392.4657) **Section 22** of this bill instead requires that only significant suspensions be considered to determine whether a pupil is deemed a habitual disciplinary problem. **Section 22** defines a significant suspension as one in which: (1) the pupil is prohibited from attending school for 3 or more consecutive days; and (2) a conference or communication with the parent or guardian of the pupil is required before the pupil may return to school.

Existing law, commonly known as the Open Meeting Law, generally requires that public bodies conduct deliberations and take actions in meetings that are open to the public. (Chapter 241 of NRS) Existing law provides that the provisions of the Open Meeting Law do not apply to a hearing conducted relating to the suspension or expulsion of a pupil. (NRS 392.467) **Sections 6, 8, 23, 24 and 27** of this bill provide that the provisions of the Open Meeting Law do not apply to **certain hearings or proceedings, including, without limitation,** a hearing or proceeding conducted relating to the suspension, expulsion or permanent expulsion of a pupil who commits a battery, distributes a controlled substance or possesses a firearm or dangerous weapon on school premises.

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

Section 1. NRS 385A.250 is hereby amended to read as follows:

385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension, *expulsion* or *permanent* expulsion ~~of~~ ~~both~~ of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a

whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension, *expulsion* or *permanent* expulsion ~~or both,~~ for bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. As used in this section:

(a) “Bullying” has the meaning ascribed to it in NRS 388.122.

(b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) “*Expulsion*” has the meaning ascribed to it in section 12 of this act.

(d) “Permanent expulsion” has the meaning ascribed to it in section 13 of this act.

(e) “Suspension” has the meaning ascribed to it in section 15 of this act.

Sec. 2. NRS 385A.460 is hereby amended to read as follows:

385A.460 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the discipline of pupils, including, without limitation:

(a) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(c) The suspension, *expulsion* and *permanent* expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) For each school district, including, without limitation, each charter school in the district, and for this State as a whole:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension, *expulsion* or *permanent* expulsion for bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in each school district, including, without limitation, each charter school that operates as a high school, and for the high schools in this State as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. As used in this section:

(a) “Bullying” has the meaning ascribed to it in NRS 388.122.

(b) “Cyber-bullying” has the meaning ascribed to it in NRS 388.123.

(c) ***“Expulsion” has the meaning ascribed to it in section 12 of this act.***

(d) ***“Permanent expulsion” has the meaning ascribed to it in section 13 of this act.***

(e) ***“Suspension” has the meaning ascribed to it in section 15 of this act.***

Sec. 3. NRS 385A.840 is hereby amended to read as follows:

385A.840 1. Each public school in this State shall collect data on the discipline of pupils. Such data must:

(a) Be reported annually to the Department through the automated system of accountability information established pursuant to NRS 385A.800;

(b) Be disaggregated into subgroups of pupils; and

(c) Include occurrences of suspension, ***expulsion*** and ***permanent*** expulsion as separate offenses.

2. The Department shall:

(a) Develop and provide guidance to each school district in this State on methods and procedures for the collection of data on the discipline of pupils pursuant to subsection 1;

(b) Establish standard definitions of an offense for which a pupil may be disciplined and any related sanctions; and

(c) Provide training and professional development to educational personnel relating to the reporting and analysis of data on the discipline of pupils. Such training must, without limitation, provide educational personnel with the ability to create a report of any data on the discipline of pupils, interpret the results of such a report and develop a responsive plan of action based on the results of such a report.

3. As used in this section:

(a) ***“Expulsion” has the meaning ascribed to it in section 12 of this act.***

(b) ***“Permanent expulsion” has the meaning ascribed to it in section 13 of this act.***

(c) ***“Suspension” has the meaning ascribed to it in section 15 of this act.***

Sec. 4. NRS 388A.246 is hereby amended to read as follows:

388A.246 An application to form a charter school must include all information prescribed by the Department by regulation and:

1. A summary of the plan for the proposed charter school.

2. A clear written description of the mission of the charter school and the goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(a) Improving the academic achievement of pupils;

(b) Encouraging the use of effective and innovative methods of teaching;

(c) Providing an accurate measurement of the educational achievement of pupils;

- (d) Establishing accountability and transparency of public schools;
- (e) Providing a method for public schools to measure achievement based upon the performance of the schools; or
- (f) Creating new professional opportunities for teachers.

3. A clear description of the indicators, measures and metrics for the categories of academics, finances and organization that the charter school proposes to use, the external assessments that will be used to assess performance in those categories and the objectives that the committee to form a charter school plans to achieve in those categories, which must be expressed in terms of the objectives, measures and metrics. The objectives and the indicators, measures and metrics used by the charter school must be consistent with the performance framework adopted by the sponsor pursuant to NRS 388A.270.

4. A resume and background information for each person who serves on the board of the charter management organization or the committee to form a charter school, as applicable, which must include the name, telephone number, electronic mail address, background, qualifications, any past or current affiliation with any charter school in this State or any other state, any potential conflicts of interest and any other information required by the sponsor.

5. The proposed location of, or the geographic area to be served by, the charter school and evidence of a need and community support for the charter school in that area.

6. The minimum, planned and maximum projected enrollment of pupils in each grade in the charter school for each year that the charter school would operate under the proposed charter contract.

7. The procedure for applying for enrollment in the proposed charter school, which must include, without limitation, the proposed dates for accepting applications for enrollment in each year of operation under the proposed charter contract and a statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 388A.456 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

8. The academic program that the charter school proposes to use, a description of how the academic program complies with the requirements of NRS 388A.366, the proposed academic calendar for the first year of operation and a sample daily schedule for a pupil in each grade served by the charter school.

9. A description of the proposed instructional design of the charter school and the type of learning environment the charter school will provide, including, without limitation, whether the charter school will provide a program of distance education, the planned class size and structure, the proposed curriculum for the charter school and the teaching methods that will be used at the charter school.

10. The manner in which the charter school plans to identify and serve the needs of pupils with disabilities, pupils who are English learners, pupils who are academically behind their peers and gifted pupils.

11. A description of any co-curricular or extracurricular activities that the charter school plans to offer and the manner in which these programs will be funded.

12. Any uniform or dress code policy that the charter school plans to use.

13. Plans and timelines for recruiting and enrolling students, including procedures for any lottery for admission that the charter school plans to conduct.

14. The rules of behavior and punishments that the charter school plans to adopt pursuant to NRS 388A.495, including, without limitation, any unique discipline policies for pupils ~~enrolled in a program of special education~~ **with disabilities**.

15. A chart that clearly presents the proposed organizational structure of the charter school and a clear description of the roles and responsibilities of the governing body, administrators and any other persons included on the chart and a table summarizing the decision-making responsibilities of the staff and governing body of the charter school and, if applicable, the charter management organization that operates the charter school. The table must also identify the person responsible for each activity conducted by the charter school, including, without limitation, the person responsible for establishing curriculum and culture, providing professional development to employees of the charter school and making determinations concerning the staff of the charter school.

16. The names of any external organizations that will play a role in operating the charter school and the role each such organization will play.

17. The manner in which the governing body of the charter school will be chosen.

18. A staffing chart for the first year in which the charter school plans to operate and a projected staffing plan for the term of the charter contract.

19. Plans for recruiting administrators, teachers and other staff, providing professional development to such staff.

20. Proposed bylaws for the governing body, a description of the manner in which the charter school will be governed, including, without limitation, any governance training that will be provided to the governing body, and a code of ethics for members and employees of the governing body. The code of ethics must be prepared with guidance from the Nevada Commission on Ethics and must not conflict with any policy adopted by the sponsor.

21. Explanations of any partnerships or contracts central to the operations or mission of the charter school.

22. A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide

transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

23. The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.680 and 391.725. If the procedure is different from the procedure prescribed in NRS 391.680 and 391.725, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.680 and 391.725.

24. A statement of the charter school's plans for food service and other significant operational services, including a statement of whether the charter school will provide food service or participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. If the charter school will not provide food service or participate in the National School Lunch Program, the application must include an explanation of the manner in which the charter school will ensure that the lack of such food service or participation does not prevent pupils from attending the charter school.

25. Opportunities and expectations for involving the parents of pupils enrolled in the charter school in instruction at the charter school and the operation of the charter school, including, without limitation, the manner in which the charter school will solicit input concerning the governance of the charter school from such parents.

26. A detailed plan for starting operation of the charter school that identifies necessary tasks, the persons responsible for performing them and the dates by which such tasks will be accomplished.

27. A description of the financial plan and policies to be used by the charter school.

28. A description of the insurance coverage the charter school will obtain.

29. Budgets for starting operation at the charter school, the first year of operation of the charter school and the first 5 years of operation of the charter school, with any assumptions inherent in the budgets clearly stated.

30. Evidence of any money pledged or contributed to the budget of the charter school.

31. A statement of the facilities that will be used to operate the charter school and a plan for operating such facilities, including, without limitation, any backup plan to be used if the charter school cannot be operated out of the planned facilities.

32. If the charter school operates a vocational school, a description of the career and technical education program that will be used by the charter school.

33. If the charter school will provide a program of distance education, a description of the system of course credits that the charter school will use and the manner in which the charter school will:

(a) Monitor and verify the participation in and completion of courses by pupils;

- (b) Require pupils to participate in assessments and submit course work;
- (c) Conduct parent-teacher conferences; and
- (d) Administer any test, examination or assessment required by state or federal law in a proctored setting.

34. If the charter school will provide a program where a student may earn college credit for courses taken in high school, a draft memorandum of understanding between the charter school and the college or university through which the credits will be earned and a term sheet, which must set forth:

- (a) The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;
- (b) The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;
- (c) The scope of the services and resources that will be provided by the college or university;
- (d) The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;
- (e) The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and
- (f) Any employees of the college or university who will serve on the governing body of the charter school.

35. If the applicant currently operates a charter school in another state, evidence of the performance of such charter schools and the capacity of the applicant to operate the proposed charter school.

36. If the applicant proposes to contract with an educational management organization or any other person to provide educational or management services:

- (a) Evidence of the performance of the educational management organization or other person when providing such services to a population of pupils similar to the population that will be served by the proposed charter school;

(b) A term sheet that sets forth:

(1) The proposed duration of the proposed contract between the governing body of the charter school and the educational management organization;

(2) A description of the responsibilities of the governing body of the charter school, employees of the charter school and the educational management organization or other person;

(3) All fees that will be paid to the educational management organization or other person;

(4) The manner in which the governing body of the charter school will oversee the services provided by the educational management organization or other person and enforce the terms of the contract;

(5) A disclosure of the investments made by the educational management organization or other person in the proposed charter school; and

(6) The conditions for renewal and termination of the contract; and

(c) A disclosure of any conflicts of interest concerning the applicant and the educational management organization or other person, including, without limitation, any past or current employment, business or familial relationship between any prospective employee of the charter school and a member of the committee to form a charter school or the board of directors of the charter management organization, as applicable.

37. Any additional information that the sponsor determines is necessary to evaluate the ability of the proposed charter school to serve pupils in the school district in which the proposed charter school will be located.

38. As used in this section, “pupil with a disability” has the meaning ascribed to it in NRS 388.417.

Sec. 5. NRS 388A.3965 is hereby amended to read as follows:

388A.3965 1. A parent or legal guardian of a pupil enrolled in a charter school, a pupil who is at least 18 years of age enrolled in a charter school, a member of the governing body of a charter school or an employee of a charter school may file a complaint relating to that charter school directly with the State Public Charter School Authority if the person has evidence that the charter school has:

(a) Violated any law or regulation relating to the health and safety of pupils;

(b) Violated any law or regulation relating to the civil rights of pupils, except for a law or regulation described in subsection 1 of NRS 388A.396;

(c) Violated any law or regulation or policy of the sponsor of the charter school relating to the enrollment, suspension, *expulsion* or *permanent expulsion* of pupils;

(d) Committed fraud, financial mismanagement or financial malfeasance;

or

(e) Committed academic dishonesty, including, without limitation, engaging in a policy or practice that has the intent or effect of inappropriately increasing the graduation rate or inappropriately increasing performance on assessments mandated by this State or the State Public Charter School Authority.

2. If the State Public Charter School Authority determines that credible evidence exists to support a complaint submitted pursuant to subsection 1, the State Public Charter School Authority shall investigate the complaint and respond to the complaining party in writing.

3. As used in this section:

(a) *“Expulsion”* has the meaning ascribed to it in section 12 of this act.

(b) *“Permanent expulsion”* has the meaning ascribed to it in section 13 of this act.

(c) *“Suspension” has the meaning ascribed to it in section 15 of this act.*

Sec. 6. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. If suspension, *expulsion* or *permanent* expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension, *expulsion* or *permanent* expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such a hearing or proceeding must be closed to the public.

3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.

4. A pupil *with a disability* who is at least 11 years of age and who is enrolled in a charter school ~~and participating in a program of special education pursuant to NRS 388.419~~ may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters and only after the governing body or its designee has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from the charter school pursuant to this section for not more than 5 days for each occurrence ~~of~~ *of proscribed conduct.*

(b) *Expelled from school pursuant to this section.*

(c) Permanently expelled from school pursuant to this section.

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

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

7. *As used in this section:*

(a) *“Expel” or “expulsion” has the meaning ascribed to it in section 12 of this act.*

(b) *“Permanently expel” or “permanent expulsion” has the meaning ascribed to it in section 13 of this act.*

(c) *“Pupil with a disability” has the meaning ascribed to it in NRS 388.417.*

(d) *“Suspend” or “suspension” has the meaning ascribed to it in section 15 of this act.*

Sec. 7. NRS 388A.740 is hereby amended to read as follows:

388A.740 1. The Department shall adopt any regulations necessary to carry out the provisions of NRS 388A.462 and 388A.700 to 388A.740, inclusive, including, without limitation, regulations for:

~~1~~ (a) The delegation of oversight responsibilities to any subcommittee of the State Public Charter School Authority.

~~2~~ (b) Establishing different requirements for the operation or regulation of or any other matter that requires the different treatment of charter schools for distance education sponsored by the State Public Charter School Authority and traditional charter schools sponsored by the State Public Charter School Authority.

~~3~~ (c) Determining when a pupil enrolled at a charter school for distance education may be suspended, *expelled* or *permanently* expelled from such charter school pursuant to NRS 388A.495 for failing to actively participate in the charter school for distance education.

2. *As used in this section:*

(a) *“Expel” has the meaning ascribed to it in section 12 of this act.*

(b) *“Permanently expel” has the meaning ascribed to it in section 13 of this act.*

(c) *“Suspend” has the meaning ascribed to it in section 15 of this act.*

Sec. 8. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

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

(b) Appropriate punishments for violations of the rules.

2. If suspension, *expulsion* or *permanent* expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension, *expulsion* or *permanent* expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing *or proceeding* conducted pursuant to this section. Such a hearing *or proceeding* must be closed to the public.

3. A pupil who is at least 11 years of age and who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, who is selling or distributing any controlled substance or who is found

to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.

4. A pupil ***with a disability*** who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils ~~and participating in a program of special education pursuant to NRS 388.419~~ may, in accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body ***or its designee*** has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from the university school pursuant to this section for not more than 5 days for each occurrence ~~of~~ ***of proscribed conduct.***

(b) ***Expelled from school pursuant to this section.***

(c) Permanently expelled from school pursuant to this section.

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

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

6. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

7. ***As used in this section:***

(a) ***“Expel” or “expulsion” has the meaning ascribed to it in section 12 of this act.***

(b) ***“Permanently expel” or “permanent expulsion” has the meaning ascribed to it in section 13 of this act.***

(c) ***“Pupil with a disability” has the meaning ascribed to it in NRS 388.417.***

(d) ***“Suspend” or “suspension” has the meaning ascribed to it in section 15 of this act.***

Sec. 9. NRS 389.155 is hereby amended to read as follows:

389.155 1. The State Board shall, by regulation, establish a program pursuant to which a pupil:

(a) Enrolled full-time in public school;

(b) Enrolled in an alternative program pursuant to NRS 388.537;

(c) Enrolled in a program designed to meet the requirements for an adult standard diploma; or

(d) Except as otherwise provided in subsection 4, who has been suspended , **expelled** or **permanently** expelled from a public school,

↳ may complete any required or elective course by independent study outside of the normal classroom setting. A program of independent study provided pursuant to this section may be offered through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

2. The regulations must:

(a) Require that:

(1) The teacher of the course assign to the pupil the work assignments necessary to complete the course; and

(2) For each course in which the pupil is enrolled, the pupil and the teacher of the course meet or otherwise communicate with each other at least once each week for the duration of the course to discuss the pupil's progress; or

(b) Require that the program of independent study satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.

3. The board of trustees of a school district may, in accordance with the regulations adopted pursuant to subsections 1 and 2, provide for independent study by the pupils described in subsection 1.

4. A program of independent study offered pursuant to this section must not allow a pupil who has been suspended , **expelled** or **permanently** expelled from a public school to attend that public school during the period of his or her suspension , **expulsion** or **permanent** expulsion.

5. *As used in this section:*

(a) *“Expel” or “expulsion” has the meaning ascribed to it in section 12 of this act.*

(b) *“Permanently expel” or “permanent expulsion” has the meaning ascribed to it in section 13 of this act.*

(c) *“Suspend” or “suspension” has the meaning ascribed to it in section 15 of this act.*

Sec. 10. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 15, inclusive, of this act.

Sec. 11. *As used in NRS 392.461 to 391.472, inclusive, and sections 11 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 12 to 15, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 12. *“Expel” or “expulsion” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled for more than one school semester with the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district after the expulsion.*

Sec. 13. *“Permanently expel” or “permanent expulsion” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled without the possibility of returning to the school in which*

the pupil is currently enrolled or another public school within the school district.

Sec. 14. *“Pupil with a disability” has the meaning ascribed to it in NRS 388.417.*

Sec. 15. *“Suspend” or “suspension” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled for ~~at least 1 day but less than~~ **not more than one school semester.***

Sec. 16. NRS 392.463 is hereby amended to read as follows:

392.463 1. Each school district shall adopt a plan to ensure that the public schools within the school district are safe and free of controlled substances. The plan must comply with the Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et seq.

2. Each school district shall prescribe written rules of behavior required of and prohibited for pupils attending school within their district and shall prescribe appropriate punishments for violations of the rules. If suspension, **expulsion** or **permanent** expulsion is used as a punishment for a violation of the rules, the school district shall follow the procedures in NRS 392.467.

3. A copy of the plan adopted pursuant to subsection 1 and the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments prescribed pursuant to subsection 2 must be distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year. Copies must also be made available for inspection at each school located in that district in an area on the grounds of the school which is open to the public.

Sec. 17. NRS 392.4634 is hereby amended to read as follows:

392.4634 1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

(a) Simulating a firearm or dangerous weapon while playing; or
(b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.

2. Simulating a firearm or dangerous weapon includes, without limitation:

(a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;
(b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;
(c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;
(d) Using a finger or hand to simulate a firearm or dangerous weapon;
(e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and
(f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:

- (a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;
- (b) Causes bodily harm to another person; or
- (c) Places another person in reasonable fear of bodily harm.

4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.

5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

6. As used in this section:

(a) “Dangerous weapon” has the meaning ascribed to it in paragraph (b) of subsection ~~111~~ 12 of NRS 392.466.

(b) “Firearm” has the meaning ascribed to it in paragraph (c) of subsection ~~111~~ 12 of NRS 392.466.

Sec. 18. NRS 392.4635 is hereby amended to read as follows:

392.4635 1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.

2. The policy established pursuant to subsection 1 may include, without limitation:

(a) The provision of training for the prevention of the activities of criminal gangs on school property.

(b) If the policy includes training:

(1) A designation of the grade levels of the pupils who must receive the training.

(2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).

↪ The board of trustees of each school district shall ensure that the training is provided to the pupils and personnel designated in the policy.

(c) Provisions which prohibit:

(1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and

(2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.

(d) Provisions which provide for the suspension, *expulsion* or *permanent* expulsion pursuant to NRS 392.466 and 392.467 of pupils who violate the policy.

3. The board of trustees of each school district may develop the policy required pursuant to subsection 1 in consultation with:

- (a) Local law enforcement agencies;
- (b) School police officers, if any;

(c) Persons who have experience regarding the actions and activities of criminal gangs;

(d) Organizations which are dedicated to alleviating criminal gangs or assisting members of criminal gangs who wish to disassociate from the gang; and

(e) Any other person deemed necessary by the board of trustees.

4. As used in this section, “criminal gang” has the meaning ascribed to it in NRS 213.1263.

Sec. 19. NRS 392.4643 is hereby amended to read as follows:

392.4643 An action must not be taken pursuant to the provisions of NRS 392.4642 to 392.4648, inclusive, against a pupil with a disability ~~who is participating in a program of special education pursuant to NRS 388.417 to 388.469, inclusive,~~ unless the action complies with:

1. The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;
2. The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;
3. Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq.;
4. Any other federal law applicable to children with disabilities; and
5. The procedural policy adopted by the board of trustees of the school district for such matters.

Sec. 20. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. The plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section may be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension, *expulsion* or *permanent* expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➔ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

Sec. 21. NRS 392.4648 is hereby amended to read as follows:

392.4648 1. If the teacher or other staff member who removed a pupil from the classroom or other premises of a public school does not agree with the recommendation of the principal pursuant to subsection 6 of NRS 392.4646, the principal shall continue the temporary alternative placement of the pupil and shall immediately convene a meeting of the committee created pursuant to NRS 392.4647. The principal shall inform the parent or legal guardian of the pupil that the committee will be conducting a meeting. The committee shall review the circumstances of the pupil's removal from the classroom or other premises of the public school and the pupil's behavior that caused the pupil to be removed from the classroom or other premises. Based upon its review, the committee shall assess the best placement available for the pupil and shall, without limitation:

(a) Direct that the pupil be returned to the classroom or other premises from which he or she was removed;

(b) Assign the pupil to another appropriate classroom or other premises;

(c) Assign the pupil to an alternative program of education, if available;

(d) Recommend the suspension, *expulsion* or *permanent* expulsion of the pupil in accordance with NRS 392.467; or

(e) Take any other appropriate disciplinary action against the pupil that the committee deems necessary.

2. A principal shall report to the school district each time a committee created pursuant to NRS 392.4647 is convened and, upon the conclusion of the committee's review of a placement, shall supplement the report with the result of the assessment of the committee.

3. Each school district shall compile the reports submitted to the school district pursuant to subsection 2 and, on or before July 1 of each year, submit an annual report to the Legislative Committee on Education containing such information for all schools located in the school district.

Sec. 22. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five *significant* suspensions from the school for any reason; and

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five *significant* suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection 5 of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school ; ~~For a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or~~

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school; *or*

(3) Permanently expelled from the school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil ~~has~~ **is a pupil with** a disability , ~~and is participating in a program of special education pursuant to NRS 388.419,~~ an explanation of the effect of subsection 10 of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended , **expelled or permanently** expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 5.

4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be

provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

5. If a pupil is suspended, the school in which the pupil is enrolled shall develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. The parent or legal guardian of the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian of the consequences of not participating in the plan of behavior. Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) ~~Expelled or suspended~~ ***Suspended, expelled or permanently expelled*** from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

9. *As used in this section, "significant suspension" means the school in which the pupil is enrolled:*

(a) Prohibits the pupil from attending school for 3 or more consecutive days; and

(b) Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

Sec. 23. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus and who is at least 11 years of age shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. The pupil may be **suspended, expelled or permanently** expelled from the school. ~~In which case the pupil shall:~~

~~—(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or~~

~~—(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.]~~

2. An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if:

(a) The employee feels any actions taken pursuant to such plan are inappropriate; and

(b) For a pupil **with a disability** who committed the battery, ~~and is participating in a program of special education pursuant to NRS 388.419,]~~ the board of trustees of the school district **or its designee** has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

3. Except as otherwise provided in this section, any pupil **of any age, including, without limitation, a pupil with a disability**, who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school. ~~and:~~

~~—(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or~~

~~—(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.]~~

4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled, **permanently expelled** or placed in another school. If a pupil is placed in another school, the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school ~~for the board of trustees of the school district of the new school~~ to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil is at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil, **based on the seriousness of the acts which were the basis for the discipline**, the pupil may be:

(a) Suspended from the school; ~~for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or~~

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school ~~†~~; **or**

(c) **Permanently expelled from the school under extraordinary circumstances as determined by the principal of the school.**

6. If the pupil is expelled ~~†~~ **or permanently expelled** or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended, **expelled** or **permanently expelled** from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a suspension, **expulsion** or **permanent** expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

8. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

9. Except as otherwise provided in this ~~section~~ **subsection and subsection 3**, a pupil who is ~~not more~~ *less* than ~~10~~ **11** years of age must not be permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is at least 11 years of age may be suspended ~~from school~~, **expelled** or permanently expelled from school pursuant to this section only after the board of trustees of the school district **or its designee** has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

10. ~~1A~~ **Except as otherwise provided in subsection 3, a pupil with a disability** who is at least 11 years of age ~~and who is participating in a program of special education pursuant to NRS 388.419~~ may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district **or its designee** has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) **Expelled from school pursuant to this section.**

(c) Permanently expelled from school pursuant to this section.

11. **The provisions of chapter 241 of NRS do not apply to any hearing or proceeding conducted pursuant to this section. Such hearings or proceedings must be closed to the public.**

12. As used in this section:

(a) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) “Dangerous weapon” includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) “Restorative justice” has the meaning ascribed to it in subsection 6 of NRS 392.472.

~~12~~ **13.** The provisions of this section do not prohibit a pupil who is suspended, **expelled** or **permanently** expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter

school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension, **expulsion** or **permanent** expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 24. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections 5 and 6 and NRS 392.466, the board of trustees of a school district **or its designee** may authorize the suspension, **expulsion** or **permanent** expulsion of any pupil who is at least 11 years of age from any public school within the school district. Except as otherwise provided in **this subsection and subsection 3 of** NRS 392.466, a pupil who is ~~not more~~ **less than 11** years of age must not be permanently expelled from school. **In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district.**

2. Except as otherwise provided in subsection 6, no pupil may be suspended, **expelled** or **permanently** expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who is found to be in possession of a firearm or a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's ~~suspension~~ **expulsion** or **permanent** expulsion.

3. The board of trustees of a school district **or its designee** may authorize the expulsion, **permanent expulsion**, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:

- (a) Conducts an independent investigation of the conduct of the pupil; and
- (b) Gives notice of the charges brought against the pupil by the school to the pupil.

4. The provisions of chapter 241 of NRS do not apply to any hearing **or proceeding** conducted pursuant to this section. Such hearings **or proceedings** must be closed to the public.

5. The board of trustees of a school district **or its designee** shall not authorize the expulsion, **permanent expulsion**, suspension or removal of any pupil from the public school system solely for offenses related to attendance or because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

6. A pupil ~~who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives early intervening services,~~ **with a disability** may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board

of trustees of the school district *or its designee* has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than 5 days for each occurrence ~~+~~ *of proscribed conduct.*

(b) *Expelled from school pursuant to this section.*

(c) Permanently expelled from school pursuant to this section.

Sec. 25. NRS 392.4675 is hereby amended to read as follows:

392.4675 1. Except as otherwise provided in this section, a pupil who is suspended, *expelled* or *permanently* expelled from:

(a) Any public school in this State pursuant to NRS 392.466; or

(b) Any school outside of this State for the commission of any act which, if committed within this State, would be a ground for suspension, *expulsion* or *permanent* expulsion from public school pursuant to NRS 392.466,

↪ is ineligible to attend any public school in this State during the period of that suspension, *expulsion* or *permanent* expulsion.

2. A school district or a charter school, if the charter school offers the applicable program, may allow a pupil who is ineligible to attend a public school pursuant to this section to enroll in:

(a) An alternative program for the education of pupils at risk of dropping out of school provided pursuant to NRS 388.537;

(b) A program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended, *expelled* or *permanently* expelled from public school;

(c) A program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive;

(d) Any program of instruction offered pursuant to the provisions of NRS 388.550; or

(e) A challenge school,

↪ if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable school or program. A school district or charter school may conduct an investigation of the background of any such pupil to determine if the educational needs of the pupil may be satisfied without undue disruption to the school or program. If an investigation is conducted, the board of trustees of the school district or the governing body of the charter school shall, based on the results of the investigation, determine if the pupil will be allowed to enroll in such a school or program.

3. The provisions of subsections 1 and 2 do not prohibit a pupil from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension, *expulsion* or *permanent*

expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 26. NRS 392.472 is hereby amended to read as follows:

392.472 1. Except as otherwise provided in NRS 392.466 and to the extent practicable, a public school shall provide a plan of action based on restorative justice before *expelling or permanently* expelling a pupil from school.

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

- (a) Positive behavioral interventions and support;
- (b) A plan for behavioral intervention;
- (c) A referral to a team of student support;
- (d) A referral to an individualized education program team;
- (e) A referral to appropriate community-based services; and
- (f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

3. The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4. The Department shall post on its Internet website a guidance document that includes, without limitation:

- (a) A description of the requirements of this section and NRS 392.462;
- (b) A timeline for implementation of the requirements of this section and NRS 392.462 by a public school;
- (c) One or more models of restorative justice and best practices relating to restorative justice;
- (d) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and
- (e) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

5. The Department shall adopt regulations necessary to carry out the provisions of this section.

6. As used in this section:

(a) “Individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) “Restorative justice” means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 27. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

- (a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, **392.466**, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 28. NRS 392.4657 is hereby repealed.

Sec. 29. This act becomes effective on July 1, 2021.

TEXT OF REPEALED SECTION

392.4657 Conditions under which pupil deemed suspended. A pupil shall be deemed suspended from school if the school in which the pupil is enrolled:

1. Prohibits the pupil from attending school for 3 or more consecutive days; and

2. Requires a conference or some other form of communication with the parent or legal guardian of the pupil before the pupil is allowed to return to school.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 105.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 158.

AN ACT relating to interscholastic activities; requiring any board formed to govern the Nevada Interscholastic Activities Association to include at least ~~two~~ **three** members who are parents or guardians of pupils who participate in a sanctioned sport; requiring any advisory board to a governing board to include at least ~~two~~ **three** members who are pupils currently participating in a sanctioned sport; **establishing certain requirements relating to the residency and terms of such members who are parents, guardians or pupils;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Interscholastic Activities Association controls, supervises and regulates all interscholastic athletic events and other interscholastic events in public schools. (NRS 385B.050) This bill requires any board formed to govern the Nevada Interscholastic Activities Association to include at least ~~two~~ **three** members who are parents or guardians of pupils who participate in a sanctioned sport. This bill also requires any advisory board formed to advise a governing board to include at least ~~two~~ **three** members who are pupils currently participating in a sanctioned sport. **Such members are required to fulfill certain residency requirements and are prohibited from being employees of or immediate family members of employees of a school district. This bill also requires that the terms of such members be consistent in duration with the terms of other members of the board and be served in full-year increments during any year that a pupil who is a member or a pupil whose parent or guardian is a member participates in one or more sanctioned sports.**

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

Section 1. NRS 385B.050 is hereby amended to read as follows:

385B.050 *1.* The county school district trustees may form a nonprofit association, to be known as the Nevada Interscholastic Activities Association, composed of all of the school districts of the State for the purposes of controlling, supervising and regulating all interscholastic athletic events and other interscholastic events in the public schools. This section does not prohibit a public school, which is authorized by the Association to do so, from joining an association formed for similar purposes in another state.

2. Any board formed to govern the Nevada Interscholastic Activities Association must include at least ~~two~~ three members who are parents or guardians of pupils who participate in a sanctioned sport. Of the members who are parents or guardians of pupils who participate in a sanctioned sport:

(a) At least one member must be a resident of a county whose population is 700,000 or more;

(b) At least one member must be a resident of a county whose population is 100,000 more but less than 700,000;

(c) At least one member must be a resident of a county whose population is less than 100,000; and

(d) Each member must not be an employee of or an immediate family member of an employee of a school district.

3. Any advisory board formed to advise a governing board of the Nevada Interscholastic Activities Association must include at least ~~two~~ three members who are pupils currently participating in a sanctioned sport. Of the members who are pupils currently participating in a sanctioned sport:

(a) At least one member must be a resident of a county whose population is 700,000 or more;

(b) At least one member must be a resident of a county whose population is 100,000 or more but less than 700,000;

(c) At least one member must be a resident of a county whose population is less than 100,000; and

(d) Each member must not be an employee of or an immediate family member of an employee of a school district.

4. The terms of each member of a board formed to govern the Nevada Interscholastic Activities Association who is a parent or guardian of a pupil who participates in a sanctioned sport and each pupil who is a member of an advisory board to such a governing board must be consistent in duration with the terms of other members of the applicable board and be served in full-year increments during any year that a pupil who is a member or a pupil whose parent or guardian is a member participates in one or more sanctioned sports.

Sec. 2. This act becomes effective on July 1, 2022.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 109.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 116.

AN ACT relating to education; revising requirements for teachers who provide instruction at a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, at least 70 percent of teachers who provide instruction at a charter school must demonstrate experience and qualifications through licensure or subject matter expertise. Existing law provides that teachers who teach certain subjects at a charter school must be licensed. Under existing law, a charter school may employ a person to teach who does not have a license or subject matter expertise if the person meets certain requirements. (NRS 388A.518) **Section 1** of this bill instead requires that ~~all~~ **at least 80 percent of** teachers who provide instruction at a charter school ~~(be licensed)~~ **hold a license or endorsement** to teach in this State. **Section 1 requires a person**

who provides instruction in a core academic subject hold a license to teach. Section 1 removes references to having subject matter expertise and instead requires that a person hold a license or endorsement to teach or meet certain other requirements.

~~{Sections 2-7}~~ **Section 6** of this bill ~~{make}~~ **makes a** conforming ~~{changes}~~ **change** related to the ~~{requirement that all teachers providing instruction at a charter school have a license.}~~ **removal of references to subject matter expertise.** **Section 8** of this bill provides that a teacher who **:(1)** is employed to teach at a charter school on or before July 1, 2021 ~~{, and who}~~ **:(2)** does not have a license to teach **; and (3) would be required to obtain a license to teach as a result of the changes in section 1** may continue to teach at the charter school without obtaining a license until July 1, 2026.

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

Section 1. NRS 388A.518 is hereby amended to read as follows:

388A.518 **1.** Except as otherwise provided in this ~~{subsection,}~~ **section,** ~~at least 70%~~ **80 percent of the** ~~full~~ teachers who provide instruction at a charter school must ~~{demonstrate experience and qualifications through licensure or subject matter expertise. If a charter school operates a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school demonstrate experience and qualifications through licensure or subject matter expertise, but in no event may less than 50 percent of the teachers who provide instruction at the school demonstrate experience and qualifications through licensure or subject matter expertise.}~~ **hold a license or endorsement to teach issued by the Superintendent of Public Instruction pursuant to chapter 391 of NRS.**

2. If a charter school specializes ~~{in:~~

~~— (a) Arts and humanities, physical education or health education, a teacher must demonstrate experience and qualifications through licensure or subject matter expertise to teach those courses of study.~~

~~— (b) The~~ **in the construction industry or other building industry, teachers who are employed full-time to teach courses of study relating to business and industry** ~~{must:~~

~~— (1) Demonstrate experience and qualifications through subject matter expertise; or~~

~~— (2) Hold}~~ **must hold a license or endorsement issued by the Superintendent of Public Instruction** ~~{which contains an endorsement}~~ **pursuant to chapter 391 of NRS** to teach such courses.

3. A teacher who is employed by a charter school, regardless of the date of hire, ~~must~~ ~~{demonstrate experience and qualifications through licensure or subject matter expertise.}~~ **be licensed to teach pursuant to chapter 391 of NRS** if the teacher teaches one or more of the ~~{following subjects:~~

~~— (a) English language arts;~~

~~— (b) Mathematics;~~

- ~~— (e) Science;~~
- ~~— (d) A foreign or world language;~~
- ~~— (e) Civics or government;~~
- ~~— (f) Economics;~~
- ~~— (g) Geography;~~
- ~~— (h) History; or~~
- ~~— (i) The arts. } ***core academic subjects designated pursuant to NRS 389.018.***~~

~~4. Except as otherwise provided in NRS 388A.515, a charter school may employ a person who does not [demonstrate experience and qualifications through licensure or subject matter expertise] ***hold a license or endorsement to teach issued by the Superintendent of Public Instruction pursuant to chapter 391 of NRS*** to teach a course of study for which a teacher is not required to [demonstrate such experience and qualifications] ***hold a license or endorsement*** if the person has:~~

~~— (a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and~~

~~— (b) At least 2 years of experience in that field.~~

~~5. A teacher who is employed by a charter school to teach special education or English as a second language must be licensed to teach special education or English as a second language, as applicable.~~

~~6. For purposes of this section, a teacher demonstrates experience and qualifications through licensure or subject matter expertise:~~

~~— (a) If the teacher is employed by a charter school that has not received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, and the:~~

~~— (1) Overall performance of the teacher has been reported as effective or highly effective, in accordance with the regulations adopted by the State Public Charter School Authority; and~~

~~— (2) Teacher is licensed to teach pursuant to chapter 391 of NRS.~~

~~— (b) If the teacher is employed by a charter school that has received, within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, and the:~~

~~— (1) Overall performance of the teacher has been reported as effective or highly effective, in accordance with the regulations adopted by the State Public Charter School Authority, regardless of whether the teacher is licensed to teach pursuant to chapter 391 of NRS; or~~

~~— (2) The teacher holds a bachelor's degree or a graduate degree from an accredited college or university and has demonstrated expertise in the subject area for which the teacher provides instruction on an assessment approved by the Department, in consultation with sponsors of charter schools described in~~

this paragraph, regardless of whether the teacher is licensed to teach pursuant to chapter 391 of NRS.

~~— 7. If a charter school that has received within the immediately preceding 2 consecutive school years, one of the three highest ratings of performance pursuant to the statewide system of accountability for public schools, or equivalent ratings in another state, as determined by the Department, intends to employ persons to teach who are not licensed, the charter school shall within 3 years:~~

~~—(a) Obtain approval for and offer an alternative route to licensure pursuant to NRS 391.019; or~~

~~—(b) Enter into an agreement with a qualified provider of an alternative route to licensure to provide the required education and training to unlicensed teachers who are employed by the school to teach such a course of study. *be licensed to teach pursuant to chapter 391 of NRS.*~~

~~Sec. 2. NRS 388A.5334 is hereby amended to read as follows:~~

~~— 388A.5334 1. The Department shall adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving [teachers and] administrators who are employed by a charter school but are not licensed pursuant to chapter 391 of NRS. The procedure must include, without limitation:~~

~~—(a) The method by which the administrative head of a charter school must notify the Department in a timely manner of the arrest of such an employee if:~~

~~— (1) The act for which the employee is arrested:~~

~~— (I) May be a ground for the suspension or revocation of a person's license pursuant to NRS 391.330; and~~

~~— (II) Is not excluded by the Department from the notification requirements of this section; and~~

~~— (2) The charter school has knowledge of the arrest.~~

~~—(b) The method by which the administrative head of a charter school must notify the Department in a timely manner of:~~

~~— (1) Each action, if any, taken against the employee by the charter school after the arrest; and~~

~~— (2) The conviction of the employee, if the employee is convicted of the act for which he or she was arrested.~~

~~—(c) The steps the Department must follow in response to the receipt of notice pursuant to this section, including, without limitation, the preparation of a separate file on the employee for the documentation and monitoring of the status of the case.~~

~~— 2. Each file that is maintained on an employee pursuant to subsection 1 must include, without limitation:~~

~~—(a) The date on which the employee was arrested and the date on which the Department received notice of the arrest from the charter school;~~

~~—(b) The reason why the employee was arrested;~~

~~—(c) The steps taken by the Department in response to all notices received by the Department from a charter school pursuant to subsection 1; and~~

~~— (d) The final resolution of the case and the date of resolution.~~

~~— 3. If the Department maintains a file on an employee pursuant to this section and the employee is not convicted of an offense, the file and any related documents must not be made a part of that employee's permanent employment record.~~

~~— 4. The Department may prescribe a fee to be assessed against a charter school for the costs incurred by the Department for tracking and monitoring the status of a criminal case in accordance with the requirements prescribed pursuant to this section. Any fee prescribed pursuant to this section must be calculated to produce the revenue estimated to cover the costs related to tracking and monitoring the status of a criminal case, but the amount of the fee for tracking and monitoring the status of a criminal case must not exceed the actual cost to the Department of tracking and monitoring the status of the criminal case.† (Deleted by amendment.)~~

Sec. 3. ~~†NRS 388A.5336 is hereby amended to read as follows:~~

~~— 388A.5336 The governing body of each charter school shall adopt a policy which requires a person who is employed by the charter school as [a teacher or] *an* administrator but who is not licensed pursuant to chapter 391 of NRS to report to the charter school if the employee is arrested for or convicted of a crime. The policy must include, without limitation, an identification of:~~

~~— 1. The crimes for which an arrest or conviction must be reported;~~

~~— 2. The person to whom the report must be made; and~~

~~— 3. The time period after the arrest or conviction in which the report must be made.† (Deleted by amendment.)~~

Sec. 4. ~~†NRS 388A.5340 is hereby amended to read as follows:~~

~~— 388A.5340 Immunity from civil or criminal liability extends to every person who, pursuant to NRS 388A.5332 to 388A.5342, inclusive, in good faith:~~

~~— 1. Participates in the making of a report;~~

~~— 2. Causes or conducts an investigation of a person who is employed by the charter school as [a teacher or] *an* administrator who is not licensed pursuant to chapter 391 of NRS and who is arrested; or~~

~~— 3. Submits information to the Department concerning a person who is employed by the charter school as [a teacher or] *an* administrator, who is not licensed pursuant to chapter 391 of NRS and who is arrested.† (Deleted by amendment.)~~

Sec. 5. ~~†NRS 388A.5342 is hereby amended to read as follows:~~

~~— 388A.5342 The governing body of a charter school shall terminate the employment of any [teacher or] administrator who is employed by the charter school but is not licensed pursuant to chapter 391 of NRS upon his or her conviction of a:~~

~~— 1. Felony or crime involving moral turpitude; or~~

~~— 2. Sex offense pursuant to NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560.† (Deleted by amendment.)~~

Sec. 6. NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a ~~HH~~ teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless he or she:

(a) ~~HH~~ Is legally employed by the board of trustees of the school district or the governing body of the charter school in which he or she is teaching or performing other educational functions.

(b) ~~HH~~ Has a license authorizing him or her to teach or perform other educational functions at the level and, except as otherwise provided in NRS 391.125, in the field for which he or she is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school who are not required to ~~demonstrate experience and qualifications through licensure or subject matter expertise~~ **hold a license or endorsement to teach pursuant to the provisions of NRS 388A.518.**

Sec. 7. ~~NRS 391.230 is hereby amended to read as follows:~~

~~391.230 1. ~~[Except as otherwise provided in subsection 3, upon] Upon the opening of any public school in this state, every teacher and other licensed employee employed for that school shall file with the superintendent of the county school district a Nevada license entitling the holder to teach or perform other educational functions in the school in which he or she will be employed, and any other report that the Superintendent of Public Instruction requires.~~~~

~~2. The superintendent of the county school district shall acknowledge the receipt of each license and shall make a proper record thereof in the superintendent's office. The license must remain on file and be safely kept in the office of the superintendent of the county school district.~~

~~3. This section does not apply to unlicensed teachers who are employed by a charter school.~~ **(Deleted by amendment.)**

Sec. 8. Notwithstanding the amendatory provisions of this act, a teacher who is employed by a charter school on or before July 1, 2021, to provide instruction at the charter school but not licensed to teach, and who, because of that employment, is required by NRS 388A.518, as amended by section 1 of this act, to be licensed as a teacher pursuant to chapter 391 of NRS, may continue to provide instruction at the charter school without obtaining a license to teach until July 1, 2026.

Sec. 9. This act becomes effective on July 1, 2021.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 149.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 83.

SUMMARY ~~[Enacts provisions relating to]~~ **Requires the Cannabis Compliance Board to create an electronic database containing certain information relating to testing conducted by** cannabis independent testing laboratories. (BDR 56-693)

AN ACT relating to cannabis; ~~[authorizing a cannabis independent testing laboratory to submit a complaint to the Cannabis Compliance Board concerning certain debts owed to the laboratory; requiring the Board to take certain actions regarding such complaints; requiring the Board to impose a civil penalty upon a cannabis cultivation facility or cannabis production facility that fails to pay certain debts owed to a cannabis independent testing laboratory within a certain period of time;]~~ requiring the **Cannabis Compliance** Board to create an electronic database containing certain information relating to the testing of cannabis and cannabis products by a cannabis independent testing laboratory; **setting forth certain requirements for the database; requiring the Board to adopt certain regulations concerning the administration of the database; requiring the Board to submit to the Legislature a biennial report containing certain information relating to the database;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Cannabis Compliance Board to establish standards for and certify one or more cannabis independent testing laboratories to test cannabis and cannabis products that are to be sold in this State. (NRS 678B.290) ~~[Section 2 of this bill authorizes a cannabis independent testing laboratory to submit a complaint to the Board regarding a cannabis cultivation facility or cannabis production facility that owes a debt to the cannabis independent testing laboratory. Section 2 requires the Board to review such a complaint and, if it appears the debt is valid, send a written notice to the cannabis cultivation facility or cannabis production facility that owes the debt. Section 2 authorizes such a facility to request a hearing to determine the validity of the debt. If, after the hearing, the Board determines that the debt is valid, or if a hearing is not requested, section 2 requires the cannabis cultivation facility or cannabis production facility to pay the full amount of the debt to the cannabis independent testing laboratory within a certain period of time. Section 2 requires the Board to impose a civil penalty upon a cannabis cultivation facility or cannabis production facility that fails to pay the full amount of the debt within the required period of time.]~~

~~—Section 3 of this~~ **This** bill requires the Board to develop, implement and maintain an electronic database whereby ~~[holders of cannabis establishment licenses]~~ **the public** may obtain information relating to testing conducted on cannabis and cannabis products by cannabis independent testing laboratories ~~[. Section 3 requires each cannabis independent testing laboratory to enter the results of any testing conducted on]~~ **that has been collected through**

computer software used for the seed-to-sale tracking of cannabis for a cannabis product into} and cannabis products. This bill requires the database [Section 3 also sets forth certain requirements for] to contain the final results of all testing performed on cannabis or a cannabis product by a cannabis independent testing laboratory which have been collected through computer software used for the seed-to-sale tracking of cannabis and cannabis products. This bill also requires the database [and requires] to be electronically secure and accessible to the public and to present the information contained in the database in a format that is exportable. This bill further requires the Board to adopt certain regulations concerning the administration of the database. Finally, this bill requires the Board to submit to the Legislature a biennial report which includes certain information relating to the database.

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

Section 1. ~~[Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.] (Deleted by amendment.)~~

Sec. 2. ~~1. If a cannabis cultivation facility or cannabis production facility owes a debt to a cannabis independent testing laboratory, the cannabis independent testing laboratory may submit a complaint to the Board. Such a complaint must:~~

~~— (a) Specify the amount of the debt owed to the cannabis independent testing laboratory;~~

~~— (b) Identify the cannabis cultivation facility or cannabis production facility that owes the debt; and~~

~~— (c) Be accompanied by sufficient documentation to demonstrate the validity of the debt;~~

~~2. Upon receipt of a complaint submitted pursuant to subsection 1, the Board shall review the complaint. If it appears to the Board that the debt is valid, the Board shall send a written notice to the cannabis cultivation facility or cannabis production facility that owes the debt, which includes, without limitation:~~

~~— (a) The name of the cannabis independent testing laboratory to which the debt is owed;~~

~~— (b) The amount of the debt;~~

~~— (c) A request for the payment of the debt to the cannabis independent testing laboratory;~~

~~— (d) Notification that the cannabis cultivation facility or cannabis production facility may request a hearing to determine the validity of the debt within 30 days after the date on which the notice was sent;~~

~~— (e) Notification of the period of time in which the cannabis cultivation facility or cannabis production facility is required to pay the debt pursuant to subsection 1; and~~

- ~~(f) Notification of the penalties set forth in subsection 5.~~
- ~~3. A cannabis cultivation facility or cannabis production facility to which a notice is issued pursuant to subsection 2 may, within 30 days after the date on which the notice was sent, request a hearing before the Board to determine the validity of the debt. The Board shall adopt regulations establishing procedures for such a hearing.~~
- ~~4. A cannabis cultivation facility or cannabis production facility to which a notice is sent pursuant to subsection 2 shall pay the full amount of the debt owed to a cannabis independent testing laboratory:~~
- ~~(a) If a hearing is not requested pursuant to subsection 3, within 90 days after the date on which the notice was sent; or~~
- ~~(b) If a hearing is requested pursuant to subsection 3 and the Board determines the debt to be valid, within 90 days after the date on which the determination was made.~~
- ~~5. If a cannabis cultivation facility or cannabis production facility fails to comply with the provisions of subsection 4, the Board shall impose upon the cannabis cultivation facility or cannabis production facility a civil penalty of:~~
- ~~(a) For a first violation within the immediately preceding year, not less than \$5,000.~~
- ~~(b) For a second or subsequent violation within the immediately preceding year, not less than \$10,000.~~
- ~~6. As used in this section, "debt" means a fee or other obligation:~~
- ~~(a) That is owed to a cannabis independent testing laboratory for services provided by the cannabis independent testing laboratory; and~~
- ~~(b) The payment of which is past due. (Deleted by amendment.)~~

Sec. 3. Chapter 678B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall develop, implement and maintain an electronic database whereby ~~licensees~~ the public may obtain information relating to testing conducted on cannabis and cannabis products by cannabis independent testing laboratories ~~for~~ which has been collected through computer software used for the seed-to-sale tracking of cannabis and cannabis products. Such a database must:

(a) Contain the final results of all testing performed on cannabis or a cannabis product by a cannabis independent testing laboratory ~~for~~ and which have been collected through computer software used for the seed-to-sale tracking of cannabis and cannabis products;

(b) Be electronically secure and accessible to ~~each licensee~~ the public; and

(c) Present the information contained in the database in a format that is exportable.

2. ~~After the development and implementation of the database created pursuant to subsection 1, a cannabis independent testing laboratory that conducts testing on cannabis or a cannabis product shall enter the results of~~

~~such testing into the electronic database in the manner prescribed by the Board.~~

~~3.] The Board shall adopt regulations ~~that:~~~~

~~(a) Prescribe the manner in which a cannabis independent testing laboratory is required to enter the results of any testing conducted on cannabis or a cannabis product into the electronic database created pursuant to subsection 1; and~~

~~(b) Are] as it determines are necessary for the administration of the database ~~is~~ required by subsection 1. Such regulations must ensure that:~~

~~(a) The information required to be contained in the database pursuant to paragraph (a) of subsection 1 is uploaded to the database and made available to the public in a timely manner after it has been collected through computer software used for the seed-to-sale tracking of cannabis and cannabis products; and~~

~~(b) The information contained in the database is presented in a format that is easily accessible to the public.~~

~~3. The Board shall, on or before January 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature which details the amount of data uploaded to the database required by subsection 1 and the statistical relevance of such data as it pertains to cannabis independent testing laboratories in this State.~~

~~Sec. 4. 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.~~

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 154.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 38.

AN ACT relating to public utilities; authorizing public utilities to provide certain notice to customers electronically; **revising certain requirements governing the quarterly rate of adjustment provided by a public utility;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth general standards and practices for public utilities. (NRS 704.143-704.1835) **Section 1** of this bill authorizes a public utility to provide by electronic transmission any notice that is required to be provided to a customer if the customer requests such transmission and it is within the capability of the public utility to provide the notice electronically. **Section 2**

of this bill authorizes a public utility to provide notice of each quarterly rate adjustment to its customers electronically pursuant to **section 1** instead of with the customer's regular monthly bill as required under existing law. ~~{NRS 704.110}~~ **Existing law also requires the quarterly rate of adjustment to be printed on fluorescent colored paper separately from the customer's bill and prescribes the contents of the quarterly rate of adjustment. (NRS 704.110) Section 2 of this bill: (1) removes the requirement that the quarterly rate of adjustment be printed on fluorescent colored paper separately from the bill; (2) provides that if the quarterly rate of adjustment is provided electronically, the subject line of the electronic transmission must indicate that such an adjustment is included in the transmission; and (3) requires the contents of the quarterly rate of adjustment to be in clear and bold text, regardless of the method of transmission.**

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

If notice is required to be provided by a public utility to a customer pursuant to this chapter or the regulations adopted pursuant thereto, the notice may be provided to the customer, if requested by the customer and within the capability of the public utility, by electronic transmission to the most recent electronic mail address provided to the public utility by the customer.

Sec. 2. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075, 704.68861 to 704.68887, inclusive, and 704.7865, or as may otherwise be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an annual deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall, not later than 210 days after the date on which the application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its

most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. The following public utilities shall each file a general rate application pursuant to this subsection based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application:

- (1) Not later than 5 p.m. on or before the first Monday in June 2019; and
- (2) Once every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application:

- (1) Not later than 5 p.m. on or before the first Monday in June 2020; and
- (2) Once every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of \$2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each

service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of \$2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

↪ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7, a quarterly rate adjustment pursuant to subsection 8 or 10, any information relating to deferred accounting requirements pursuant to NRS 704.185 or an annual deferred energy accounting adjustment application pursuant to NRS 704.187, if the public utility is otherwise authorized to so file by those provisions.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility which is required to adjust its rates on a quarterly basis pursuant to subsection 10; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of a public utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 2.5 cents per therm of natural gas. If the balance of the public utility's deferred account varies by less than 5 percent from the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per therm of natural gas.

9. If the Commission approves a request to make any rate adjustments on a quarterly basis pursuant to subsection 8:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill ~~or by electronic transmission pursuant to section 1 of this act~~. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice ~~that is included with a customer's regular monthly bill~~ **required by this paragraph:**

(1) Must be printed separately ~~on fluorescent colored paper and must not be attached to the pages of the bill~~, **if included with the customer's regular monthly bill or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to section 1 of this act;** and

(2) Must include the following ~~in~~ **in clear and bold text:**

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of natural gas included in each quarterly filing and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed

imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

10. An electric utility shall adjust its rates on a quarterly basis based on changes in the electric utility's recorded costs of purchased fuel or purchased power. In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of an electric utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. If the balance of the electric utility's deferred account varies by less than 5 percent from the electric utility's annual recorded costs for purchased fuel or purchased power which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per kilowatt-hour of electricity.

11. A quarterly rate adjustment filed pursuant to subsection 10 is subject to the following requirements:

(a) The electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill ~~†† or by electronic submission pursuant to section 1 of this act.~~ The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice ~~†† that is included with a customer's regular monthly bill.††~~ **required by this paragraph:**

(1) ~~Must be printed separately on fluorescent colored paper and must not be attached to the pages of the bill.††~~ **, if included with the customer's regular monthly bill††, or the subject line of the electronic transmission**

must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to section 1 of this act; and

(2) Must include the following ~~in~~ **in clear and bold text:**

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of purchased fuel and purchased power included in each quarterly filing and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

12. If an electric utility files an annual deferred energy accounting adjustment application pursuant to subsection 11 and NRS 704.187 while a general rate application is pending, the electric utility shall:

(a) Submit with its annual deferred energy accounting adjustment application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

13. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto, or the retirement or elimination of a utility facility identified in an emissions reduction and capacity replacement plan submitted pursuant to NRS 704.7316 and accepted by the Commission for retirement or elimination pursuant to NRS 704.751 and the regulations adopted pursuant thereto, shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing, or retiring or eliminating, as applicable, such a facility. For the purposes of this subsection, a plan or an amendment to a plan shall be deemed to be accepted by the Commission only as to that portion of the plan or amendment accepted as filed or modified with the consent of the utility pursuant to NRS 704.751.

14. In regard to any rate or schedule approved or disapproved pursuant to this section, the Commission may, after a hearing:

(a) Upon the request of the utility, approve a new rate but delay the implementation of that new rate:

(1) Until a date determined by the Commission; and

(2) Under conditions as determined by the Commission, including, without limitation, a requirement that interest charges be included in the collection of the new rate; and

(b) Authorize a utility to implement a reduced rate for low-income residential customers.

15. The Commission may, upon request and for good cause shown, permit a public utility which purchases natural gas for resale or an electric utility to make a quarterly adjustment to its deferred energy accounting adjustment in excess of the maximum allowable adjustment pursuant to subsection 8 or 10.

16. A public utility which purchases natural gas for resale or an electric utility that makes quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 8 or 10 may submit to the Commission for approval an application to discontinue making quarterly adjustments to its deferred energy accounting adjustment and to subsequently make annual adjustments to its deferred energy accounting adjustment. The Commission may approve an application submitted pursuant to this subsection if the Commission finds that approval of the application is in the public interest.

17. As used in this section:

(a) “Deferred energy accounting adjustment” means the rate of a public utility which purchases natural gas for resale or an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total therms or kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period, not including kilowatt-hours sold pursuant to an expanded solar access program established pursuant to NRS 704.7865.

(b) “Electric utility” has the meaning ascribed to it in NRS 704.187.

(c) “Electric utility that primarily serves densely populated counties” means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

(d) “Electric utility that primarily serves less densely populated counties” means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 700,000 than it does from customers located in counties whose population is 700,000 or more.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 178.

Bill read second time and ordered to third reading.

Assembly Bill No. 210.

Bill read second time.

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

Amendment No. 125.

AN ACT relating to chiropractic; requiring a business entity that provides chiropractic services to register with the Chiropractic Physicians’ Board of Nevada; establishing certain duties of a registrant; revising terminology used to refer to a person who provides chiropractic services; revising certain qualifications of an applicant for a license to engage in the practice of chiropractic; authorizing a chiropractic physician to recommend, dispense or administer certain drugs and devices; creating a privilege for confidential communication between a patient and a chiropractic physician; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law regulates the licensing and certification of the practice of chiropractic. (Chapter 634 of NRS) **Section 2** of this bill defines “business entity” for the provisions relating to the practice of chiropractic. **Section 3** of this bill requires a business entity that provides chiropractic services to register with the Chiropractic Physicians’ Board of Nevada. **Section 3** requires a business entity to notify the Board of any change to certain information submitted as part of an application for registration. **Section 4** of this bill requires a registered business entity to: (1) ensure that all chiropractic physicians and chiropractic assistants who provide chiropractic services in any facility owned or operated by the business entity comply with the provisions of existing law and regulations that govern the practice of chiropractic; (2) establish a written policy and procedure relating to the medical records of a

patient; and (3) notify the Board if the business entity dissolves or a facility owned or operated by the business entity closes. **Section 6** of this bill requires the Board to keep records relating to registration of a business entity in the same manner as it keeps records of licensing and disciplinary actions. **Section 8** of this bill establishes the maximum fee for the issuance or renewal of a registration as a business entity that provides chiropractic services and requires the Board to charge and collect a fee established by regulation of the Board for the late renewal of such a registration. **Section 5** of this bill makes a conforming change to indicate the placement of **section 2** in the Nevada Revised Statutes.

Existing law provides grounds for initiating disciplinary action against practitioners of chiropractic. (NRS 634.018, 634.140) **Sections 9-15** of this bill make various changes to authorize the imposition of disciplinary action against a registered business entity, as applicable. **Section 18** of this bill makes it a category ~~II~~ **D** felony to own or operate a business entity: (1) that provides chiropractic services without being appropriately registered with the Board; or (2) for which an unlicensed person engages in the practice of chiropractic. **Sections 17 and 19** of this bill make conforming changes to reflect the registration requirement for a business entity that provides chiropractic services.

Existing law requires an applicant for a license to engage in the practice of chiropractic to meet certain requirements. (NRS 634.090) **Section 7** of this bill revises certain requirements relating to the education of an applicant and the successful completion of an examination. **Sections 6, 8, 15-19 and 22** of this bill change the title of a person practicing chiropractic from “chiropractor” to “chiropractic physician” and the title of a person assisting a chiropractic physician from a “chiropractor’s assistant” to a “chiropractic assistant.”

Existing law prohibits a chiropractic physician from administering or prescribing drugs. (NRS 634.220) **Section 16** of this bill authorizes a chiropractic physician to recommend, dispense or administer any drug or device for which a prescription or order is not required.

Existing law establishes a privilege for a patient to refuse to disclose and prevent any other person from disclosing confidential communication with an allopathic or osteopathic physician or dentist. (NRS 49.215, 49.225) **Section 20** of this bill extends this privilege to apply to confidential communications between a patient and a chiropractic physician.

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

Section 1. Chapter 634 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *“Business entity” means a sole proprietorship or any lawful fictional entity by which business may be conducted lawfully in this State. The term does not include:*

1. *A facility wholly owned by one or more persons licensed pursuant to this chapter ~~##~~ or chapter 630 or 633 of NRS;*

2. *A sole proprietorship or partnership that consists solely of persons who are licensed pursuant to this chapter ~~##~~ or chapter 630 or 633 of NRS;*

3. *A professional corporation or professional limited liability company, the shares of which are wholly owned by a person or persons licensed pursuant to this chapter ~~##~~ or chapter 630 or 633 of NRS;*

4. *An administrator or executor of the estate of a deceased chiropractic physician or a person who is legally authorized to act for a chiropractic physician who has been adjudicated to be incapacitated for not more than 1 year after the date of the death or incapacitation of the chiropractic physician; or*

5. *A medical facility licensed pursuant to chapter 449 of NRS. ~~## or~~*
~~6. *A physician.*~~

Sec. 3. 1. *To obtain a registration as a business entity that provides chiropractic services, a business entity must submit to the Board an application in the form prescribed by the Board. The application must be accompanied by the fee for the issuance of a registration required by NRS 634.135 and must include:*

(a) The name, address and telephone number of the business entity;

(b) The name of any officer or director of the business entity; and

(c) The name of any chiropractic physician who is responsible for providing or supervising the provision of chiropractic services in any facility owned or operated by the business entity.

2. *A registration as a business entity that provides chiropractic services expires on June 1 of each year and may be renewed by submitting to the Board before the expiration of the registration:*

(a) An application for renewal in the form prescribed by the Board; and

(b) The renewal fee required by NRS 634.135.

3. *The Board may approve a late application for renewal that is accompanied by the renewal fee required by NRS 634.135 and the additional late fee prescribed by the Board pursuant to subsection 3 of NRS 634.135.*

4. *A business entity shall notify the Board in writing within 30 days after any change to the information described in subsection 1.*

5. *The Board shall impose an administrative fine in an amount prescribed by regulation of the Board against a registrant that does not comply with the requirements of subsection 4.*

Sec. 4. *A business entity that is registered to provide chiropractic services pursuant to section 3 of this act shall:*

1. *Ensure that all chiropractic physicians and chiropractic assistants who provide chiropractic services in any facility owned or operated by the business entity comply with the provisions of this chapter or the regulations adopted by the Board, and any other statute or regulation pertaining to the practice of chiropractic;*

2. *Establish a written policy and procedure for the secure storage and transfer of the medical records of a patient and the access to those records by the patient. The policy and procedure must include procedures for:*

(a) *Notifying each patient of the location to which his or her medical records will be moved if the business entity ceases operations, is sold or ceases maintaining medical records at the facility where the medical records are currently maintained;*

(b) *Disposing of unclaimed medical records; and*

(c) *Responding to a request by a patient or a representative of the patient for any copy of his or her medical records within the time period prescribed by NRS 629.061.*

3. *Not later than 30 days after the dissolution of the business entity or the closing of any facility owned or operated by the business entity, notify the Board of the dissolution or closure and the procedure by which a patient of the business entity may obtain his or her medical records.*

Sec. 5. NRS 634.010 is hereby amended to read as follows:

634.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 634.012 to 634.018, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 6. NRS 634.055 is hereby amended to read as follows:

634.055 1. The Board shall keep a record of its proceedings relating to licensing, **registration** and disciplinary actions. Except as otherwise provided in NRS 634.214, the records must be open to public inspection at all reasonable times and must contain the name, known place of business and residence, and the date and number of the license of every ~~chiropractor~~ **chiropractic physician** licensed under this chapter. The Board may keep such other records as it deems desirable.

2. Except as otherwise provided in this subsection and NRS 239.0115, all information pertaining to the personal background, medical history or financial affairs of an applicant **for licensure** or licensee, **an officer or director of an applicant for registration or registrant or a chiropractic physician who provides or supervises the provision of chiropractic services at the facility of an applicant for registration or registrant** which the Board requires to be furnished to it under this chapter, or which it otherwise obtains, is confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or upon the order of a court of competent jurisdiction. The Board may, under procedures established by regulation, permit the disclosure of this information to any agent of the Federal Government, of another state or of any political subdivision of this State who is authorized to receive it.

3. Notice of the disclosure and the contents of the information disclosed pursuant to subsection 2 must be given to the ~~applicant or licensee~~ **person** who is the subject of that information.

Sec. 7. NRS 634.090 is hereby amended to read as follows:

634.090 1. An applicant must, in addition to the requirements of NRS 634.070 and 634.080, furnish satisfactory evidence to the Board:

(a) That the applicant is of good moral character;

(b) Except as otherwise provided in subsections ~~2~~ **3** and ~~5~~ **6**, that the applicant has a high school education and is a graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education, or ~~which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency, whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit which includes instruction in each of the following subjects:~~

- ~~— (1) Anatomy;~~
- ~~— (2) Bacteriology;~~
- ~~— (3) Chiropractic theory and practice;~~
- ~~— (4) Diagnosis and chiropractic analysis;~~
- ~~— (5) Elementary chemistry and toxicology;~~
- ~~— (6) Histology;~~
- ~~— (7) Hygiene and sanitation;~~
- ~~— (8) Obstetrics and gynecology;~~
- ~~— (9) Pathology;~~
- ~~— (10) Physiology; and~~
- ~~— (11) Physiotherapy;~~

its successor organization, or an accrediting agency recognized by that organization; and

(c) ~~That~~ *Except as otherwise provided in subsection 2, that* the applicant has successfully ~~†~~:

~~— (1) Completed parts} **completed:**~~

(1) Parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners, or its successor organization; or

*(2) ~~Completed an~~ **An** examination that is required to graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education, or ~~which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency.~~ **its successor organization, or an accrediting agency recognized by that organization.** Such an examination must be:*

(I) Administered by such a college; and

(II) Approved by the Board.

2. If an applicant has actively engaged in the practice of chiropractic in another state, the District of Columbia, the Commonwealth of Puerto Rico or any other territory or possession of the United States for not less than 7 of the immediately preceding 10 years without any adverse disciplinary action taken against him or her, the applicant is only required to have successfully completed those parts of the examination administered by the National Board of Chiropractic Examiners, or its successor organization, at the time that the applicant graduated from a college of chiropractic.

3. The Board may, for good cause shown, waive the requirement for a particular applicant that the college of chiropractic from which the applicant graduated must be accredited by the Council on Chiropractic Education ~~for have a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.~~ , **or its successor organization, or an accrediting agency recognized by that organization.**

~~3-4~~ 4. Except as otherwise provided in subsections ~~4-4~~ 5 and ~~5-4~~ 6, every applicant is required to submit evidence of the successful completion of not less than 60 credit hours at an accredited college or university.

~~4-4~~ 5. Any applicant who has been licensed to practice in another state, and has been in practice for not less than 5 years, is not required to comply with the provisions of subsection ~~3-4~~ 4.

~~5-4~~ 6. If an applicant has received his or her training and education at a school or college located in a foreign country ~~4-4~~ **and the course of study leading to his or her degree of doctor of chiropractic consisted of not less than 4,000 hours of instruction**, the Board may, if the Board determines that such training and education is substantially equivalent to graduation from a college of chiropractic that is accredited by the Council on Chiropractic Education ~~and otherwise meets the requirements specified in paragraph (b) of subsection 4-4,~~ **or its successor organization**, waive the requirement that an applicant attend or graduate from a college that ~~4-4~~

~~(a) Is~~ **is** accredited by the Council on Chiropractic Education, ~~4-4~~ or

~~(b) Has a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.~~ **its successor organization, or an accrediting agency recognized by that organization.**

Sec. 8. NRS 634.135 is hereby amended to read as follows:

634.135 1. The Board may charge and collect fees not to exceed:

For an application for a license to practice chiropractic.....	\$200.00
For an examination for a license to practice chiropractic.....	200.00
For an application for, and the issuance of, a certificate as a chiropractor's chiropractic assistant.....	100.00
For an examination for a certificate as a chiropractor's chiropractic assistant.....	100.00
For the issuance of a license to practice chiropractic	300.00
For the biennial renewal of a license to practice chiropractic	1,000.00
For the biennial renewal of an inactive license to practice chiropractic	300.00
For the biennial renewal of a certificate as a chiropractor's chiropractic assistant.....	200.00
For the restoration to active status of an inactive license to practice chiropractic.....	300.00
For reinstating a license to practice chiropractic which has expired pursuant to NRS 634.130 or has been suspended	500.00

For reinstating a certificate as a chiropractor's chiropractic assistant which has expired pursuant to NRS 634.130 or has been suspended.....	100.00
For a review of any subject on the examination.....	25.00
For the issuance of a duplicate license or for changing the name on a license.....	35.00
For written verification of licensure or issuance of a certificate of good standing	25.00
For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic	25.00
For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the Board to a person who is not licensed to practice chiropractic	10.00
For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this State	35.00
For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State to a person who is not licensed to practice chiropractic.....	\$25.00
For each page of a list of continuing education courses that have been approved by the Board.....	.50
For an application to a preceptor program offered by the Board to graduates of chiropractic schools or colleges.....	35.00
For an application for a student or chiropractor chiropractic physician to participate in the preceptor program established by the Board pursuant to NRS 634.137.....	35.00
For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic.....	50.00
For the issuance or renewal of a registration as a business entity that provides chiropractic services	200.00

2. In addition to the fees set forth in subsection 1, the Board may charge and collect reasonable and necessary fees for the expedited processing of a request or for any other incidental service it provides.

3. ***In addition to the fees set forth in subsection 1, the Board shall charge and collect a fee in an amount established by regulation of the Board for the late renewal of a registration as a business entity that provides chiropractic services.***

4. For a check or other method of payment made payable to the Board or tendered to the Board that is returned to the Board or otherwise dishonored upon presentation for payment, the Board shall assess and collect a fee in the amount established by the State Controller pursuant to NRS 353C.115.

Sec. 9. NRS 634.140 is hereby amended to read as follows:

634.140 The *following acts, as applied to a licensee, an officer or director of a registrant or a person who provides or supervises the provision of chiropractic services at the facility of a registrant, are* grounds for initiating disciplinary action *against a licensee or registrant* pursuant to this chapter : ~~are:~~

1. Unprofessional conduct.
 2. Incompetence or negligence in the practice of chiropractic.
 3. Conviction of:
 - (a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
 - (b) A crime relating to the practice of chiropractic;
 - (c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or
 - (d) Any offense involving moral turpitude.
 4. Suspension or revocation of the license to practice chiropractic by any other jurisdiction.
 5. Referring, in violation of NRS 439B.425, a patient to a health facility, medical laboratory or commercial establishment in which the licensee, **officer, director or person providing or supervising the provision of chiropractic services** has a financial interest.
 6. 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. 10. NRS 634.160 is hereby amended to read as follows:

634.160 1. The Board or any of its members who become aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing chiropractic *or a business entity providing chiropractic services* in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Executive Director of the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person *or entity* who is the subject of the complaint.

2. The Board shall retain all complaints filed with the Executive Director pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 11. NRS 634.170 is hereby amended to read as follows:

634.170 1. When a complaint is filed with the Executive Director of the Board, it must be considered by the President or a member of the Board designated by the President. If, from the complaint or from other official records, it appears that the complaint may be well founded in fact, the Executive Director shall cause written notice of the charges in the complaint to be served upon the person *or business entity* charged at least 20 days before the date fixed for the hearing. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

2. If the complaint is not deemed by the President or designated member of the Board to be of sufficient import or sufficiently well founded to merit bringing proceedings against the person *or business entity* charged, the complaint must be held in abeyance and discussed at the next meeting of the Board.

Sec. 12. NRS 634.190 is hereby amended to read as follows:

634.190 1. The person *or business entity* charged is entitled to a hearing before the Board, but the failure of the person charged *or a representative of the business entity charged* to attend a hearing or to defend himself or herself *or the business entity, as applicable*, does not delay or void the proceedings. The Board may, for good cause shown, continue any hearing from time to time.

2. If the Board finds that the person *or business entity* committed one or more of the charges made in the complaint, the Board may by order:

(a) Place the person *or business entity* on probation for a specified period or until further order of the Board.

(b) Administer to the person *or business entity* a public reprimand.

(c) Limit the practice of the person *or business entity* to, or by the exclusion of, one or more specified branches of chiropractic.

(d) Suspend the license of the person to practice chiropractic *or the registration as a business entity that provides chiropractic services* for a specified period or until further order of the Board.

(e) Revoke the license of the person to practice chiropractic ~~or~~ *or registration as a business entity that provides chiropractic services*.

(f) Impose a fine of not more than \$5,000 for each act which constitutes a ground for disciplinary action, which must be deposited with the State Treasurer for credit to the State General Fund.

↪ The order of the Board may contain such other terms, provisions or conditions as the Board deems proper to remedy or address the facts and circumstances of the particular case.

3. If the Board finds that a licensee has violated the provisions of NRS 439B.425, the Board shall suspend the license for a specified period or until further order of the Board.

4. The Board shall not administer a private reprimand.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 13. NRS 634.200 is hereby amended to read as follows:

634.200 1. Any person who has been placed on probation or whose license *or registration* has been limited, suspended or revoked by the Board is entitled to judicial review of the Board's order.

2. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given that priority by law.

Sec. 14. NRS 634.204 is hereby amended to read as follows:

634.204 1. Any person:

(a) Whose practice of chiropractic has been limited; or

(b) Whose license to practice chiropractic *or registration to operate a business entity offering chiropractic services* has been suspended until further order,

↪ by an order of the Board may apply to the Board after a reasonable period for removal of the limitation or restoration of his or her license ~~{}~~ *or registration*.

2. In hearing the application, the Board:

(a) May require the person *or an officer or director of the business entity, as applicable*, to submit to a mental or physical examination by physicians or other appropriate persons whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Shall determine whether under all the circumstances the time of the application is reasonable; and

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrant.

Sec. 15. NRS 634.216 is hereby amended to read as follows:

634.216 The Board or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of a ~~{chiropractor}~~ *chiropractic physician or a business entity that provides chiropractic services* is immune from any civil action for that initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.

Sec. 16. NRS 634.220 is hereby amended to read as follows:

634.220 1. Nothing in this chapter shall be construed to permit a ~~{chiropractor}~~ *chiropractic physician* to practice medicine, osteopathic medicine, dentistry, optometry or podiatry, or to administer or prescribe drugs ~~{}~~ *except where authorized by subsection 2.*

2. *A chiropractic physician may recommend, dispense or administer any drug or device for which the prescription or order of a practitioner is not required by federal or state law.*

3. *As used in this section, "practitioner" has the meaning ascribed to it in NRS 639.0125.*

Sec. 17. NRS 634.226 is hereby amended to read as follows:

634.226 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning ~~it~~ :

1. A person who practices or offers to practice chiropractic or as a ~~chiropractor's~~ **chiropractic** assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter.

2. **A business entity that provides chiropractic services without being registered pursuant to the provisions of this chapter.**

Sec. 18. NRS 634.227 is hereby amended to read as follows:

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

↪ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105, 634.117 and 634.1375, a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a ~~chiropractor~~ **chiropractic physician**;

(c) Uses any combination, variation or abbreviation of the terms “chiropractor,” “chiropractic” or “chiropractic physician” as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

↪ 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.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 2, 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 2. 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).

4. A person who owns or operates a business entity that offers chiropractic services:

(a) Which is not registered with the Board pursuant to section 3 of this act; or

(b) For which a chiropractic physician who is not licensed pursuant to this chapter engages in the practice of chiropractic,

~~↪ is guilty of a category ~~B~~ D felony and shall be punished ~~by~~ imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.~~ as provided in NRS 193.130.

Sec. 19. NRS 634.240 is hereby amended to read as follows:

634.240 1. In addition to any other remedy provided by law, the Board, through its President, Secretary or its attorney, or the Attorney General, may bring an action in any court of competent jurisdiction to enjoin any person who does not hold a license issued by the Board from practicing chiropractic or representing himself or herself to be a ~~chiropractor.~~ **chiropractic physician or any business entity that is providing chiropractic services and is not registered pursuant to section 3 of this act.** As used in this subsection, “practicing chiropractic” includes the conducting of independent examinations and the offering of opinions regarding the treatment or care, or both, with respect to patients who are residents of this State.

2. The court in a proper case may issue an injunction for such purposes without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure. The issuance of such an injunction does not relieve the person from criminal prosecution for a violation of NRS 634.227.

Sec. 20. NRS 49.215 is hereby amended to read as follows:

49.215 As used in NRS 49.215 to 49.245, inclusive:

1. A communication is “confidential” if it is not intended to be disclosed to third persons other than:

(a) Those present to further the interest of the patient in the consultation, examination or interview;

(b) Persons reasonably necessary for the transmission of the communication; or

(c) Persons who are participating in the diagnosis and treatment under the direction of the doctor, including members of the patient’s family.

2. “Doctor” means a person licensed to practice medicine, dentistry or osteopathic medicine **or chiropractic** in any state or nation, or a person who is reasonably believed by the patient to be so licensed, and in addition includes a person employed by a public or private agency as a psychiatric social worker, or someone under his or her guidance, direction or control, while engaged in the examination, diagnosis or treatment of a patient for a mental condition.

3. “Patient” means a person who consults or is examined or interviewed by a doctor for purposes of diagnosis or treatment.

Sec. 21. 1. Notwithstanding any provision of this act to the contrary, any business entity that is providing chiropractic services on or before January 1, 2022:

(a) May continue to provide such services without being registered with the Chiropractic Physicians’ Board of Nevada pursuant to section 3 of this act until July 1, 2022; and

(b) Must be registered pursuant to section 3 of this act if the entity continues to provide such services after that date.

2. As used in this section, “business entity” has the meaning ascribed to it in section 2 of this act.

Sec. 22. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately:

(a) The term “chiropractic physician” for the term “chiropractor” as previously used in reference to the practice of chiropractic; and

(b) The term “chiropractic assistant” for the term “chiropractor’s assistant” as previously used in reference to the practice of chiropractic.

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately:

(a) The term “chiropractic physician” for the term “chiropractor” as previously used in reference to the practice of chiropractic; and

(b) The term “chiropractic assistant” for the term “chiropractor’s assistant” as previously used in reference to the practice of chiropractic.

Sec. 23. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 22, inclusive, of this act become effective:

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

(b) On January 1, 2022, for all other purposes.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

The following amendment was proposed by Assemblywoman Jauregui:

Amendment No. 170.

AN ACT relating to chiropractic; requiring a business entity that provides chiropractic services to register with the Chiropractic Physicians’ Board of Nevada; establishing certain duties of a registrant; revising terminology used to refer to a person who provides chiropractic services; revising certain qualifications of an applicant for a license to engage in the practice of chiropractic; authorizing a chiropractic physician to recommend, dispense or administer certain drugs and devices; creating a privilege for confidential

communication between a patient and a chiropractic physician; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law regulates the licensing and certification of the practice of chiropractic. (Chapter 634 of NRS) **Section 2** of this bill defines “business entity” for the provisions relating to the practice of chiropractic. **Section 3** of this bill requires a business entity that provides chiropractic services to register with the Chiropractic Physicians’ Board of Nevada. **Section 3** requires a business entity to notify the Board of any change to certain information submitted as part of an application for registration. **Section 4** of this bill requires a registered business entity to: (1) ensure that all chiropractic physicians and chiropractic assistants who provide chiropractic services in any facility owned or operated by the business entity comply with the provisions of existing law and regulations that govern the practice of chiropractic; (2) establish a written policy and procedure relating to the medical records of a patient; and (3) notify the Board if the business entity dissolves or a facility owned or operated by the business entity closes. **Section 6** of this bill requires the Board to keep records relating to registration of a business entity in the same manner as it keeps records of licensing and disciplinary actions. ~~Section 8 of this bill establishes the maximum fee for the issuance or renewal of a registration as a business entity that provides chiropractic services and requires the Board to charge and collect a fee established by regulation of the Board for the late renewal of such a registration.~~ **Section 5** of this bill makes a conforming change to indicate the placement of **section 2** in the Nevada Revised Statutes.

Existing law provides grounds for initiating disciplinary action against practitioners of chiropractic. (NRS 634.018, 634.140) **Sections 9-15** of this bill make various changes to authorize the imposition of disciplinary action against a registered business entity, as applicable. **Section 18** of this bill makes it a category B felony to own or operate a business entity: (1) that provides chiropractic services without being appropriately registered with the Board; or (2) for which an unlicensed person engages in the practice of chiropractic. **Sections 17 and 19** of this bill make conforming changes to reflect the registration requirement for a business entity that provides chiropractic services.

Existing law requires an applicant for a license to engage in the practice of chiropractic to meet certain requirements. (NRS 634.090) **Section 7** of this bill revises certain requirements relating to the education of an applicant and the successful completion of an examination. **Sections 6, 8, 15-19 and 22** of this bill change the title of a person practicing chiropractic from “chiropractor” to “chiropractic physician” and the title of a person assisting a chiropractic physician from a “chiropractor’s assistant” to a “chiropractic assistant.”

Existing law prohibits a chiropractic physician from administering or prescribing drugs. (NRS 634.220) **Section 16** of this bill authorizes a

chiropractic physician to recommend, dispense or administer any drug or device for which a prescription or order is not required.

Existing law establishes a privilege for a patient to refuse to disclose and prevent any other person from disclosing confidential communication with an allopathic or osteopathic physician or dentist. (NRS 49.215, 49.225) **Section 20** of this bill extends this privilege to apply to confidential communications between a patient and a chiropractic physician.

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

Section 1. Chapter 634 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *“Business entity” means a sole proprietorship or any lawful fictional entity by which business may be conducted lawfully in this State. The term does not include:*

1. *A facility wholly owned by one or more persons licensed pursuant to this chapter;*
2. *A sole proprietorship or partnership that consists solely of persons who are licensed pursuant to this chapter;*
3. *A professional corporation or professional limited liability company, the shares of which are wholly owned by a person or persons licensed pursuant to this chapter;*
4. *An administrator or executor of the estate of a deceased chiropractic physician or a person who is legally authorized to act for a chiropractic physician who has been adjudicated to be incapacitated for not more than 1 year after the date of the death or incapacitation of the chiropractic physician;*
5. *A medical facility licensed pursuant to chapter 449 of NRS; or*
6. *A physician.*

Sec. 3. 1. *To obtain a registration as a business entity that provides chiropractic services, a business entity must submit to the Board an application in the form prescribed by the Board. The application must ~~be accompanied by the fee for the issuance of a registration required by NRS 634.135 and must~~ include:*

- (a) *The name, address and telephone number of the business entity;*
- (b) *The name of any officer or director of the business entity; and*
- (c) *The name of any chiropractic physician who is responsible for providing or supervising the provision of chiropractic services in any facility owned or operated by the business entity.*

2. *A registration as a business entity that provides chiropractic services expires on June 1 of each year and may be renewed by submitting to the Board before the expiration of the registration ~~the~~*

~~(a) An application for renewal in the form prescribed by the Board,~~

~~and~~

~~(b) The renewal fee required by NRS 634.135.~~

3. ~~The Board may approve a late application for renewal that is accompanied by the renewal fee required by NRS 634.135 and the additional late fee prescribed by the Board pursuant to subsection 3 of NRS 634.135.~~

4. A business entity shall notify the Board in writing within 30 days after any change to the information described in subsection 1.

5. The Board shall impose an administrative fine in an amount prescribed by regulation of the Board against a registrant that does not comply with the requirements of subsection 4.

Sec. 4. A business entity that is registered to provide chiropractic services pursuant to section 3 of this act shall:

1. Ensure that all chiropractic physicians and chiropractic assistants who provide chiropractic services in any facility owned or operated by the business entity comply with the provisions of this chapter or the regulations adopted by the Board, and any other statute or regulation pertaining to the practice of chiropractic;

2. Establish a written policy and procedure for the secure storage and transfer of the medical records of a patient and the access to those records by the patient. The policy and procedure must include procedures for:

(a) Notifying each patient of the location to which his or her medical records will be moved if the business entity ceases operations, is sold or ceases maintaining medical records at the facility where the medical records are currently maintained;

(b) Disposing of unclaimed medical records; and

(c) Responding to a request by a patient or a representative of the patient for any copy of his or her medical records within the time period prescribed by NRS 629.061.

3. Not later than 30 days after the dissolution of the business entity or the closing of any facility owned or operated by the business entity, notify the Board of the dissolution or closure and the procedure by which a patient of the business entity may obtain his or her medical records.

Sec. 5. NRS 634.010 is hereby amended to read as follows:

634.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 634.012 to 634.018, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 6. NRS 634.055 is hereby amended to read as follows:

634.055 1. The Board shall keep a record of its proceedings relating to licensing, **registration** and disciplinary actions. Except as otherwise provided in NRS 634.214, the records must be open to public inspection at all reasonable times and must contain the name, known place of business and residence, and the date and number of the license of every ~~chiropractor~~ **chiropractic physician** licensed under this chapter. The Board may keep such other records as it deems desirable.

2. Except as otherwise provided in this subsection and NRS 239.0115, all information pertaining to the personal background, medical history or financial affairs of an applicant **for licensure** or licensee, **an officer or director of an**

applicant for registration or registrant or a chiropractic physician who provides or supervises the provision of chiropractic services at the facility of an applicant for registration or registrant which the Board requires to be furnished to it under this chapter, or which it otherwise obtains, is confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or upon the order of a court of competent jurisdiction. The Board may, under procedures established by regulation, permit the disclosure of this information to any agent of the Federal Government, of another state or of any political subdivision of this State who is authorized to receive it.

3. Notice of the disclosure and the contents of the information disclosed pursuant to subsection 2 must be given to the ~~applicant or licensee~~ **person** who is the subject of that information.

Sec. 7. NRS 634.090 is hereby amended to read as follows:

634.090 1. An applicant must, in addition to the requirements of NRS 634.070 and 634.080, furnish satisfactory evidence to the Board:

(a) That the applicant is of good moral character;

(b) Except as otherwise provided in subsections ~~12~~ **3** and ~~15~~ **6**, that the applicant has a high school education and is a graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education, or ~~which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency, whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit which includes instruction in each of the following subjects:~~

- ~~— (1) Anatomy;~~
- ~~— (2) Bacteriology;~~
- ~~— (3) Chiropractic theory and practice;~~
- ~~— (4) Diagnosis and chiropractic analysis;~~
- ~~— (5) Elementary chemistry and toxicology;~~
- ~~— (6) Histology;~~
- ~~— (7) Hygiene and sanitation;~~
- ~~— (8) Obstetrics and gynecology;~~
- ~~— (9) Pathology;~~
- ~~— (10) Physiology; and~~
- ~~— (11) Physiotherapy;~~

its successor organization, or an accrediting agency recognized by that organization; and

(c) ~~That~~ **Except as otherwise provided in subsection 2, that** the applicant has successfully ~~†~~

~~— (1) Completed parts~~ **completed:**

(1) Parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners, or its successor organization; or

(2) ~~Completed an~~ An examination that is required to graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education, or ~~which has a reciprocal agreement with the Council on~~

Chiropractic Education or any governmental accrediting agency,] *its successor organization, or an accrediting agency recognized by that organization.* Such an examination must be:

- (I) Administered by such a college; and
- (II) Approved by the Board.

2. *If an applicant has actively engaged in the practice of chiropractic in another state, the District of Columbia, the Commonwealth of Puerto Rico or any other territory or possession of the United States for not less than 7 of the immediately preceding 10 years without any adverse disciplinary action taken against him or her, the applicant is only required to have successfully completed those parts of the examination administered by the National Board of Chiropractic Examiners, or its successor organization, at the time that the applicant graduated from a college of chiropractic.*

3. The Board may, for good cause shown, waive the requirement for a particular applicant that the college of chiropractic from which the applicant graduated must be accredited by the Council on Chiropractic Education ~~for have a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency,~~ *or its successor organization, or an accrediting agency recognized by that organization.*

~~3-4~~ 4. Except as otherwise provided in subsections ~~4-4~~ 5 and ~~5-4~~ 6, every applicant is required to submit evidence of the successful completion of not less than 60 credit hours at an accredited college or university.

~~4-4~~ 5. Any applicant who has been licensed to practice in another state, and has been in practice for not less than 5 years, is not required to comply with the provisions of subsection ~~3-4~~ 4.

~~5-4~~ 6. If an applicant has received his or her training and education at a school or college located in a foreign country ~~and the course of study leading to his or her degree of doctor of chiropractic consisted of not less than 4,000 hours of instruction,~~ the Board may, if the Board determines that such training and education is substantially equivalent to graduation from a college of chiropractic that is accredited by the Council on Chiropractic Education ~~and otherwise meets the requirements specified in paragraph (b) of subsection 1,~~ *or its successor organization,* waive the requirement that an applicant attend or graduate from a college that ~~is~~

~~(a) Is~~ *is* accredited by the Council on Chiropractic Education, ~~and~~ or

~~(b) Has a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency,~~ *its successor organization, or an accrediting agency recognized by that organization.*

Sec. 8. NRS 634.135 is hereby amended to read as follows:

634.135 1. The Board may charge and collect fees not to exceed:

For an application for a license to practice chiropractic.....	\$200.00
For an examination for a license to practice chiropractic.....	200.00
For an application for, and the issuance of, a certificate as	
a chiropractor's <i>chiropractic</i> assistant	100.00

For an examination for a certificate as a chiropractor's chiropractic assistant	100.00
For the issuance of a license to practice chiropractic	300.00
For the biennial renewal of a license to practice chiropractic	1,000.00
For the biennial renewal of an inactive license to practice chiropractic	300.00
For the biennial renewal of a certificate as a chiropractor's chiropractic assistant	200.00
For the restoration to active status of an inactive license to practice chiropractic	300.00
For reinstating a license to practice chiropractic which has expired pursuant to NRS 634.130 or has been suspended	500.00
For reinstating a certificate as a chiropractor's chiropractic assistant which has expired pursuant to NRS 634.130 or has been suspended	100.00
For a review of any subject on the examination	25.00
For the issuance of a duplicate license or for changing the name on a license	35.00
For written verification of licensure or issuance of a certificate of good standing	25.00
For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic	25.00
For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the Board to a person who is not licensed to practice chiropractic	10.00
For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this State	35.00
For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State to a person who is not licensed to practice chiropractic	\$25.00
For each page of a list of continuing education courses that have been approved by the Board50
For an application to a preceptor program offered by the Board to graduates of chiropractic schools or colleges	35.00
For an application for a student or chiropractor chiropractic physician to participate in the preceptor program established by the Board pursuant to NRS 634.137	35.00

For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic 50.00

~~For the issuance or renewal of a registration as a business entity that provides chiropractic services..... 200.00~~

2. In addition to the fees set forth in subsection 1, the Board may charge and collect reasonable and necessary fees for the expedited processing of a request or for any other incidental service it provides.

~~3. In addition to the fees set forth in subsection 1, the Board shall charge and collect a fee in an amount established by regulation of the Board for the late renewal of a registration as a business entity that provides chiropractic services.~~

~~4.~~ For a check or other method of payment made payable to the Board or tendered to the Board that is returned to the Board or otherwise dishonored upon presentation for payment, the Board shall assess and collect a fee in the amount established by the State Controller pursuant to NRS 353C.115.

Sec. 9. NRS 634.140 is hereby amended to read as follows:

634.140 The *following acts, as applied to a licensee, an officer or director of a registrant or a person who provides or supervises the provision of chiropractic services at the facility of a registrant, are* grounds for initiating disciplinary action *against a licensee or registrant* pursuant to this chapter : ~~are:~~

1. Unprofessional conduct.

2. Incompetence or negligence in the practice of chiropractic.

3. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A crime relating to the practice of chiropractic;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

(d) Any offense involving moral turpitude.

4. Suspension or revocation of the license to practice chiropractic by any other jurisdiction.

5. Referring, in violation of NRS 439B.425, a patient to a health facility, medical laboratory or commercial establishment in which the licensee, *officer, director or person providing or supervising the provision of chiropractic services* has a financial interest.

6. 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. 10. NRS 634.160 is hereby amended to read as follows:

634.160 1. The Board or any of its members who become aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing chiropractic *or a business entity providing chiropractic services* in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Executive Director of the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person *or entity* who is the subject of the complaint.

2. The Board shall retain all complaints filed with the Executive Director pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 11. NRS 634.170 is hereby amended to read as follows:

634.170 1. When a complaint is filed with the Executive Director of the Board, it must be considered by the President or a member of the Board designated by the President. If, from the complaint or from other official records, it appears that the complaint may be well founded in fact, the Executive Director shall cause written notice of the charges in the complaint to be served upon the person *or business entity* charged at least 20 days before the date fixed for the hearing. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

2. If the complaint is not deemed by the President or designated member of the Board to be of sufficient import or sufficiently well founded to merit bringing proceedings against the person *or business entity* charged, the complaint must be held in abeyance and discussed at the next meeting of the Board.

Sec. 12. NRS 634.190 is hereby amended to read as follows:

634.190 1. The person *or business entity* charged is entitled to a hearing before the Board, but the failure of the person charged *or a representative of the business entity charged* to attend a hearing or to defend himself or herself *or the business entity, as applicable*, does not delay or void the proceedings. The Board may, for good cause shown, continue any hearing from time to time.

2. If the Board finds that the person *or business entity* committed one or more of the charges made in the complaint, the Board may by order:

(a) Place the person *or business entity* on probation for a specified period or until further order of the Board.

(b) Administer to the person *or business entity* a public reprimand.

(c) Limit the practice of the person *or business entity* to, or by the exclusion of, one or more specified branches of chiropractic.

(d) Suspend the license of the person to practice chiropractic *or the registration as a business entity that provides chiropractic services* for a specified period or until further order of the Board.

(e) Revoke the license of the person to practice chiropractic ~~+~~ *or registration as a business entity that provides chiropractic services.*

(f) Impose a fine of not more than \$5,000 for each act which constitutes a ground for disciplinary action, which must be deposited with the State Treasurer for credit to the State General Fund.

↪ The order of the Board may contain such other terms, provisions or conditions as the Board deems proper to remedy or address the facts and circumstances of the particular case.

3. If the Board finds that a licensee has violated the provisions of NRS 439B.425, the Board shall suspend the license for a specified period or until further order of the Board.

4. The Board shall not administer a private reprimand.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 13. NRS 634.200 is hereby amended to read as follows:

634.200 1. Any person who has been placed on probation or whose license *or registration* has been limited, suspended or revoked by the Board is entitled to judicial review of the Board's order.

2. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given that priority by law.

Sec. 14. NRS 634.204 is hereby amended to read as follows:

634.204 1. Any person:

(a) Whose practice of chiropractic has been limited; or

(b) Whose license to practice chiropractic *or registration to operate a business entity offering chiropractic services* has been suspended until further order,

↪ by an order of the Board may apply to the Board after a reasonable period for removal of the limitation or restoration of his or her license ~~+~~ *or registration.*

2. In hearing the application, the Board:

(a) May require the person *or an officer or director of the business entity, as applicable*, to submit to a mental or physical examination by physicians or other appropriate persons whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Shall determine whether under all the circumstances the time of the application is reasonable; and

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrant.

Sec. 15. NRS 634.216 is hereby amended to read as follows:

634.216 The Board or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the

discipline of a ~~chiropractor~~ **chiropractic physician or a business entity that provides chiropractic services** is immune from any civil action for that initiation or assistance or any consequential damages, if the person or organization acted without malicious intent.

Sec. 16. NRS 634.220 is hereby amended to read as follows:

634.220 **1.** Nothing in this chapter shall be construed to permit a ~~chiropractor~~ **chiropractic physician** to practice medicine, osteopathic medicine, dentistry, optometry or podiatry, or to administer or prescribe drugs ~~but~~ **except where authorized by subsection 2.**

2. A chiropractic physician may recommend, dispense or administer any drug or device for which the prescription or order of a practitioner is not required by federal or state law.

3. As used in this section, “practitioner” has the meaning ascribed to it in NRS 639.0125.

Sec. 17. NRS 634.226 is hereby amended to read as follows:

634.226 Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning ~~it~~ :

1. A person who practices or offers to practice chiropractic or as a ~~chiropractor’s~~ chiropractic assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter.

2. A business entity that provides chiropractic services without being registered pursuant to the provisions of this chapter.

Sec. 18. NRS 634.227 is hereby amended to read as follows:

634.227 **1.** A person who:

- (a) Presents to the Board as his or her own the diploma, license or credentials of another;
 - (b) Gives false or forged evidence of any kind to the Board; or
 - (c) Practices chiropractic under a false or assumed name or falsely personates another licensee,
- ↪ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105, 634.117 and 634.1375, a person who does not hold a license issued pursuant to this chapter and:

- (a) Practices chiropractic in this State;
- (b) Holds himself or herself out as a ~~chiropractor~~ **chiropractic physician;**
- (c) Uses any combination, variation or abbreviation of the terms “chiropractor,” “chiropractic” or “chiropractic physician” as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,
↪ 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.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 2, 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 2. 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).

4. A person who owns or operates a business entity that offers chiropractic services:

(a) Which is not registered with the Board pursuant to section 3 of this act; or

**(b) For which a chiropractic physician who is not licensed pursuant to this chapter engages in the practice of chiropractic,
↪ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.**

Sec. 19. NRS 634.240 is hereby amended to read as follows:

634.240 1. In addition to any other remedy provided by law, the Board, through its President, Secretary or its attorney, or the Attorney General, may bring an action in any court of competent jurisdiction to enjoin any person who does not hold a license issued by the Board from practicing chiropractic or representing himself or herself to be a ~~chiropractor~~ **chiropractic physician or any business entity that is providing chiropractic services and is not registered pursuant to section 3 of this act.** As used in this subsection, “practicing chiropractic” includes the conducting of independent examinations and the offering of opinions regarding the treatment or care, or both, with respect to patients who are residents of this State.

2. The court in a proper case may issue an injunction for such purposes without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure. The issuance of such an injunction does not relieve the person from criminal prosecution for a violation of NRS 634.227.

Sec. 20. NRS 49.215 is hereby amended to read as follows:

49.215 As used in NRS 49.215 to 49.245, inclusive:

1. A communication is “confidential” if it is not intended to be disclosed to third persons other than:

(a) Those present to further the interest of the patient in the consultation, examination or interview;

(b) Persons reasonably necessary for the transmission of the communication; or

(c) Persons who are participating in the diagnosis and treatment under the direction of the doctor, including members of the patient’s family.

2. “Doctor” means a person licensed to practice medicine, dentistry or osteopathic medicine *or chiropractic* in any state or nation, or a person who is reasonably believed by the patient to be so licensed, and in addition includes a person employed by a public or private agency as a psychiatric social worker, or someone under his or her guidance, direction or control, while engaged in the examination, diagnosis or treatment of a patient for a mental condition.

3. “Patient” means a person who consults or is examined or interviewed by a doctor for purposes of diagnosis or treatment.

Sec. 21. 1. Notwithstanding any provision of this act to the contrary, any business entity that is providing chiropractic services on or before January 1, 2022:

(a) May continue to provide such services without being registered with the Chiropractic Physicians’ Board of Nevada pursuant to section 3 of this act until July 1, 2022; and

(b) Must be registered pursuant to section 3 of this act if the entity continues to provide such services after that date.

2. As used in this section, “business entity” has the meaning ascribed to it in section 2 of this act.

Sec. 22. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately:

(a) The term “chiropractic physician” for the term “chiropractor” as previously used in reference to the practice of chiropractic; and

(b) The term “chiropractic assistant” for the term “chiropractor’s assistant” as previously used in reference to the practice of chiropractic.

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately:

(a) The term “chiropractic physician” for the term “chiropractor” as previously used in reference to the practice of chiropractic; and

(b) The term “chiropractic assistant” for the term “chiropractor’s assistant” as previously used in reference to the practice of chiropractic.

Sec. 23. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 22, inclusive, of this act become effective:

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

(b) On January 1, 2022, for all other purposes.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 129.

AN ACT relating to off-highway vehicles; revising provisions governing the operation of certain large all-terrain vehicles on certain streets and highways; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires each board of county highway commissioners to lay out and designate roads as main, general or minor county roads. (NRS 403.170) Existing law defines a “large all-terrain vehicle” as any all-terrain vehicle that includes seating capacity for at least two people abreast and: (1) total seating capacity for at least four people; or (2) a truck bed. (NRS 490.043) Under existing law, a person may operate a large all-terrain vehicle on any portion of a highway designated as a general county road or minor county road if the large all-terrain vehicle: (1) has the equipment required for operation on a highway; and (2) is registered with the Department of Motor Vehicles as a motor vehicle intended to be operated upon the highways of this State. Existing law also provides that the governing body of a city or county which contains all or a portion of a highway designated as a general county road or a minor county road may prohibit the operation of a large all-terrain vehicle on any portion of such a road. (NRS 490.105) ~~[This]~~

Section 1 of this bill revises the definition of a large all-terrain vehicle to mean any all-terrain vehicle that has non-straddle seats and seating capacity for at least two people. Section 2 of this bill authorizes a person to operate a large all-terrain vehicle on a ~~[city]~~ **highway that has been designated as a main county road, unless the governing body of a city or county which contains all or a portion of such a highway prohibits the operation of a large all-terrain vehicle on any portion of such a highway.**

Section 2 additionally authorizes a person to operate a large all-terrain vehicle on a street within a city or township whose population is less than 25,000 ~~[(currently all cities except Carson City, Henderson, Las Vegas, North Las Vegas, Reno and Sparks) or on a portion of a highway that has been designated as a main county road]~~ if: (1) the large all-terrain vehicle has the equipment required for operation on a highway; **and** (2) the large all-terrain

vehicle is registered with the Department of Motor Vehicles as a motor vehicle intended to be operated upon the highways of this State ~~and (3) the governing body of the city or county with jurisdiction over the street or highway enacts an ordinance or resolution authorizing the operation of large all-terrain vehicles on any portion of such a street or highway.~~

Section 2 authorizes the governing body of the city, county or township having jurisdiction over such a street to prohibit the operation of a large all-terrain vehicle on any portion of such a street.

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

Section 1. NRS 490.043 is hereby amended to read as follows:

490.043 “Large all-terrain vehicle” means any all-terrain vehicle that *has non-straddle seats and* includes seating capacity for at least two people. ~~and~~
 ~~[abreast and:~~

- ~~1. Total seating capacity for at least four people; or~~
- ~~2. A truck bed.]~~

~~[Section 1.]~~ **Sec. 2.** NRS 490.105 is hereby amended to read as follows:

490.105 1. Except as otherwise provided in subsection 2, a person may operate a large all-terrain vehicle on any portion of a highway that has been designated in accordance with NRS 403.170 as a *main county road*, general county road or minor county road if the large all-terrain vehicle:

- (a) Meets the requirements set forth in NRS 490.120; and
- (b) Is registered by the Department in accordance with NRS 490.0825 as a motor vehicle intended to be operated upon the highways of this State.

2. The governing body of a city or county within which is located a highway or portion of a highway that has been designated in accordance with NRS 403.170 as a *main county road*, general county road or minor county road may by ordinance or resolution prohibit the operation of large all-terrain vehicles on any portion of such a road.

3. ~~[A] Except as otherwise provided in this subsection, a person may operate a large all-terrain vehicle on a [city] street within a city or township whose population is less than 25,000 for on a portion of a highway that has been designated as a main county road] if:~~

- ~~(a) The large all-terrain vehicle satisfies the requirements of paragraphs (a) and (b) of subsection 1. and~~
- ~~(b) The governing body of the city, for the governing body of the county or township having jurisdiction over the such a street for highway enacts and may by ordinance or resolution [authorizing] prohibit the operation of large all-terrain vehicles on any portion of such a street, for highway.]~~

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 342.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 323.

AN ACT relating to offenders; revising the frequency of the review of standards adopted by the State Board of Parole Commissioners relating to the granting and revocation of parole; revising provisions relating to the program of lifetime supervision of sex offenders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Parole Commissioners: (1) to adopt by regulation standards to assist the Board in determining whether to grant or revoke parole; and (2) to review the effectiveness of those standards on or before January 1 of each odd-numbered year. (NRS 213.10885) **Section 1** of this bill revises the frequency of the review of the standards adopted by the Board by providing that the standards must be reviewed at least once every 5 years.

Existing law provides that if a defendant is convicted of a sexual offense, the court is required to include in sentencing a special sentence of lifetime supervision, which commences after any period of probation or any term of imprisonment and any period of release on parole. (NRS 176.0931) Existing law also requires the Board: (1) to establish by regulation a program of lifetime supervision of sex offenders; and (2) to establish the conditions of lifetime supervision for each sex offender who is subject to lifetime supervision.

Additionally, existing law provides that if a court issues a warrant for arrest for a violation of a condition of lifetime supervision, the court is required to cause notice of the issuance of the warrant to be transmitted to the Central Repository for Nevada Records of Criminal History within 3 business days. (NRS 213.1243)

Section 2 of this bill : **(1)** provides that on and after July 1, 2021, the effective date of this bill, the Board will only be responsible for establishing the program of lifetime supervision and establishing the conditions of lifetime supervision for a sex offender who is sentenced before July 1, 2021, ~~for~~ ; **and (2)** **eliminates the requirement that the court cause notice of the issuance of a warrant for arrest for a violation of a condition of lifetime supervision to be transmitted to the Central Repository within 3 business days.**

Section 3 of this bill: (1) transfers from the Board to the sentencing court all the current duties and responsibilities relating to lifetime supervision of sex offenders for sex offenders sentenced on or after July 1, 2021; and (2) moves all related provisions governing lifetime supervision, such as the existing criminal penalties for intentionally removing or disabling an electronic monitoring device or for violating a condition of lifetime supervision, to the appropriate section of the Nevada Revised Statutes pertaining to imposition of the special sentence of lifetime supervision by the sentencing court. **Section 3** provides that the sentencing court is responsible, on and after July 1, 2021, for

establishing the conditions of lifetime supervision for a sex offender sentenced on or after July 1, 2021.

Existing law provides that a person sentenced to lifetime supervision may petition for release from lifetime supervision. For such a petition to be granted, in addition to other requirements, the person must show that he or she is not likely to pose a threat to the safety of others if released from lifetime supervision, as determined by a person professionally qualified to conduct psychosexual evaluations. (NRS 176.0931) Section 3 allows a licensed, clinical professional who has received training in the treatment of sex offenders to make such a determination.

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

Section 1. NRS 213.10885 is hereby amended to read as follows:

213.10885 1. The Board shall adopt by regulation specific standards for each type of convicted person to assist the Board in determining whether to grant or revoke parole. The regulations must include standards for determining whether to grant or revoke the parole of a convicted person:

- (a) Who committed a capital offense.
- (b) Who was sentenced to serve a term of imprisonment for life.
- (c) Who was convicted of a sexual offense involving the use or threat of use of force or violence.
- (d) Who was convicted as a habitual criminal.
- (e) Who is a repeat offender.
- (f) Who was convicted of any other type of offense.

↪ The standards must be based upon objective criteria for determining the person's probability of success on parole.

2. In establishing the standards, the Board shall consider the information on decisions regarding parole that is compiled and maintained pursuant to NRS 213.10887 and all other factors which are relevant in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. The other factors the Board considers must include, but are not limited to:

- (a) The severity of the crime committed;
- (b) The criminal history of the person;
- (c) Any disciplinary action taken against the person while incarcerated;
- (d) Any previous parole violations or failures;
- (e) Any potential threat to society or to the convicted person; and
- (f) The length of his or her incarceration.

3. In determining whether to grant parole to a convicted person, the Board shall not consider whether the person has appealed the judgment of imprisonment for which the person is being considered for parole.

4. The standards adopted by the Board must provide for a greater punishment for a convicted person who has a history of repetitive criminal conduct or who commits a serious crime, with a violent crime considered the

most serious, than for a convicted person who does not have a history of repetitive crimes and did not commit a serious crime.

5. The Board shall make available to the public a sample of the form the Board uses in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued.

6. ~~On or before January 1 of each odd-numbered year,~~ **At least once every 5 years**, the Board shall review comprehensively the standards adopted by the Board. The review must include a determination of whether the standards are effective in predicting the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. If a standard is found to be ineffective, the Board shall not use that standard in its decisions regarding parole and shall adopt revised standards as soon as practicable after the review.

7. The Board shall report to each regular session of the Legislature:

(a) The number and percentage of the Board's decisions that conflicted with the standards;

(b) The results and conclusions from the Board's review pursuant to subsection 6; and

(c) Any changes in the Board's standards, policies, procedures, programs or forms that have been or will be made as a result of the review.

Sec. 2. NRS 213.1243 is hereby amended to read as follows:

213.1243 1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

2. Lifetime supervision shall be deemed a form of parole for:

(a) The limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110; and

(b) The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to NRS 213.215.

3. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender reside at a location only if:

(a) The residence has been approved by the parole and probation officer assigned to the person.

(b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(c) The person keeps the parole and probation officer informed of his or her current address.

4. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender, unless approved by

the parole and probation officer assigned to the sex offender and by a psychiatrist, psychologist or counselor treating the sex offender, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this subsection apply only to a sex offender who is a Tier 3 offender.

5. Except as otherwise provided in subsection 9, if ~~he~~ *the* sex offender is convicted of a sexual offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the sex offender is a Tier 3 offender and the sex offender is sentenced to lifetime supervision, the Board shall require as a condition of lifetime supervision that the sex offender:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his or her location and producing, upon request, reports or records of his or her presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location.

(c) Pay any costs associated with his or her participation under the system of active electronic monitoring, to the extent of his or her ability to pay.

6. A sex offender placed under the system of active electronic monitoring pursuant to subsection 5 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to his or her participation under the system of active electronic monitoring.

7. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a sex offender pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

8. Except as otherwise provided in subsection 7, a sex offender who commits a violation of a condition imposed on him or her pursuant to the

program of lifetime supervision is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

9. The Board is not required to impose a condition pursuant to the program of lifetime supervision listed in subsections 3, 4 and 5 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

10. The Board shall require as a condition of lifetime supervision that the sex offender not have contact or communicate with a victim of the sexual offense or a witness who testified against the sex offender or solicit another person to engage in such contact or communication on behalf of the sex offender, unless approved by the Chief or his or her designee and a written agreement is entered into and signed.

11. The Board shall require as a condition of lifetime supervision, in addition to any other condition imposed pursuant to this section, that the sex offender:

(a) Participate in and complete a program of professional counseling approved by the Division, unless, before commencing a program of lifetime supervision, the sex offender previously completed a program of professional counseling recommended or ordered by the Board or the court upon conviction of the sexual offense for which the sex offender will be placed under a program of lifetime supervision.

(b) Not use aliases or fictitious names.

(c) Not possess any sexually explicit material that is harmful to minors as defined in NRS 201.257.

(d) Not enter, visit or patronize an establishment which offers a sexually related form of entertainment as its primary business.

(e) Inform the parole and probation officer assigned to the sex offender of any post office box used by the sex offender.

12. If the sex offender is convicted of a sexual offense involving the use of the Internet, the Board shall require, in addition to any other condition imposed pursuant to this section, that the sex offender not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless the sex offender installs a device or subscribes to a service which enables the parole and probation officer assigned to the sex offender to regulate the sex offender's use of the Internet. The provisions of this subsection do not apply to a device used by a sex offender within the course and scope of his or her employment.

13. If the sex offender is convicted of a sexual offense involving the use of alcohol, cannabis or a controlled substance, the Board shall require, in addition to any other condition imposed pursuant to this section, that the sex offender participate in and complete a program of counseling pertaining to substance use disorders approved by the Division, unless, before commencing a program of lifetime supervision, the sex offender previously completed a

program of counseling pertaining to substance use disorders recommended or ordered by the Board or the court upon conviction of the sexual offense for which the sex offender will be placed under a program of lifetime supervision.

~~14. If a court issues a warrant for arrest for a violation of this section, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, notice of the issuance of the warrant for arrest in a manner which ensures that such notice is received by the Central Repository within 3 business days.~~

~~15.~~ For the purposes of prosecution of a violation by a sex offender of a condition imposed upon him or her pursuant to the program of lifetime supervision:

(a) In which the violation occurred outside this State, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of lifetime supervision pursuant to NRS 176.0931 is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, outside that county or outside this State; or

(b) In which the violation occurred within this State, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the violation occurred.

~~16.~~ **15.** *The provisions of this section apply only to a sex offender who is sentenced before July 1, 2021.*

Sec. 3. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision ~~that provides for the lifetime supervision of the defendant, as a sex offender, by parole and probation officers.~~ ***The court shall, at the time of sentencing, impose the conditions of lifetime supervision in accordance with the provisions of this section.***

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole. ***Lifetime supervision shall be deemed a form of parole for:***

(a) The limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110; and

(b) The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to NRS 213.215.

3. ***Except as otherwise provided in subsection 9, the court shall require as a condition of lifetime supervision that the sex offender reside at a location only if:***

(a) The residence has been approved by the parole and probation officer assigned to the person.

(b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(c) The person keeps the parole and probation officer informed of his or her current address.

4. Except as otherwise provided in subsection 9, the court shall require as a condition of lifetime supervision that the sex offender, unless approved by the parole and probation officer assigned to the sex offender and by a psychiatrist, psychologist or counselor treating the sex offender, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this subsection apply only to a sex offender who is a Tier 3 offender.

5. Except as otherwise provided in subsection 9, if the sex offender is convicted of a sexual offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the sex offender is a Tier 3 offender and the sex offender is sentenced to lifetime supervision, the court shall require as a condition of lifetime supervision that the sex offender:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his or her location and producing, upon request, reports or records of his or her presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location.

(c) Pay any costs associated with his or her participation under the system of active electronic monitoring, to the extent of his or her ability to pay.

6. A sex offender placed under the system of active electronic monitoring pursuant to subsection 5 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to his or her participation under the system of active electronic monitoring.

7. *Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a sex offender pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.*

8. *Except as otherwise provided in subsection 7, a sex offender who commits a violation of a condition imposed on him or her pursuant to the program of lifetime supervision is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.*

9. *The court is not required to impose a condition pursuant to the program of lifetime supervision listed in subsections 3, 4 and 5 if the court finds that extraordinary circumstances are present and the court states those extraordinary circumstances in writing.*

10. *The court shall require as a condition of lifetime supervision that the sex offender not have contact or communicate with a victim of the sexual offense or a witness who testified against the sex offender or solicit another person to engage in such contact or communication on behalf of the sex offender, unless approved by the Chief or his or her designee and a written agreement is entered into and signed.*

11. *The court shall require as a condition of lifetime supervision, in addition to any other condition imposed pursuant to this section, that the sex offender:*

(a) Participate in and complete a program of professional counseling approved by the Division, unless, before commencing a program of lifetime supervision, the sex offender previously completed a program of professional counseling recommended or ordered by the Board or the court upon conviction of the sexual offense for which the sex offender will be placed under a program of lifetime supervision.

(b) Not use aliases or fictitious names.

(c) Not possess any sexually explicit material that is harmful to minors as defined in NRS 201.257.

(d) Not enter, visit or patronize an establishment which offers a sexually related form of entertainment as its primary business.

(e) Inform the parole and probation officer assigned to the sex offender of any post office box used by the sex offender.

12. *If the sex offender is convicted of a sexual offense involving the use of the Internet, the court shall require, in addition to any other condition imposed pursuant to this section, that the sex offender not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless the sex offender installs a device or subscribes to a service which enables the parole and probation officer assigned to the sex offender to regulate the sex*

offender's use of the Internet. The provisions of this subsection do not apply to a device used by a sex offender within the course and scope of his or her employment.

13. If the sex offender is convicted of a sexual offense involving the use of alcohol, cannabis or a controlled substance, the court shall require, in addition to any other condition imposed pursuant to this section, that the sex offender participate in and complete a program of counseling pertaining to substance use disorders approved by the Division, unless, before commencing a program of lifetime supervision, the sex offender previously completed a program of counseling pertaining to substance use disorders recommended or ordered by the Board or the court upon conviction of the sexual offense for which the sex offender will be placed under a program of lifetime supervision.

~~14. If a court issues a warrant for arrest for a violation of this section, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, notice of the issuance of the warrant for arrest in a manner which ensures that such notice is received by the Central Repository within 3 business days.~~

~~15.~~ For the purposes of prosecution of a violation by a sex offender of a condition imposed upon him or her pursuant to the program of lifetime supervision:

(a) In which the violation occurred outside this State, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of lifetime supervision pursuant to this section is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, outside that county or outside this State; or

(b) In which the violation occurred within this State, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the violation occurred.

~~16.~~ 15. A person sentenced to lifetime supervision may petition the sentencing court ~~for the State Board of Parole Commissioners~~ for release from lifetime supervision. The sentencing court ~~for the Board~~ shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a ~~person professionally qualified to conduct psychosexual evaluations,~~ licensed, clinical professional who has received training in the treatment of sex offenders, if released from lifetime supervision.

~~4-17, 16.~~ A person who is released from lifetime supervision pursuant to the provisions of subsection ~~3-16, 15~~ remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

~~5-18, 17.~~ As used in this section:

(a) **“Board” means the State Board of Parole Commissioners.**

(b) **“Chief” means the Chief Parole and Probation Officer.**

(c) “Offense that poses a threat to the safety or well-being of others” includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in NRS 179D.0357;

(III) A sexual offense as defined in NRS 179D.097;

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

~~{(b)} (d) **“Person professionally qualified to conduct psychosexual evaluations” has the meaning ascribed to it in NRS 176.133.**~~

~~—(c) (e) **“Sex offender” means any person who has been or is convicted of a sexual offense.**~~

~~{(f)} (e) “Sexual offense” means:~~

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 4. This act becomes effective on July 1, 2021.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 398.

Bill read second time.

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

Amendment No. 372.

AN ACT relating to sales of residential property; providing that a seller's agent ~~may~~ **shall** not complete a disclosure form regarding the residential property; providing that a seller's agent is not liable to the purchaser under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, at least 10 days before residential property is conveyed to a purchaser, the seller is required to complete and serve upon the purchaser a disclosure form which provides an evaluation of the condition of any electrical, heating, cooling, plumbing and sewer systems on the property, and of the condition of any other aspects of the property which affect its use or value. The seller must indicate whether any of those systems or other aspects of the property has a defect of which the seller is aware. (NRS 113.120, 113.130) This bill provides explicitly that a seller's agent ~~may~~ **shall** not complete the disclosure form on behalf of the seller. This bill also provides that a seller's agent is not liable to the purchaser if: (1) the seller is aware of a defect and fails to disclose the defect to the purchaser on the disclosure form as required; or (2) after service of the completed disclosure form but before conveyance of the property to the purchaser, the seller discovers a new defect in the residential property that was not identified on the completed disclosure form or discovers that a defect identified on the completed disclosure form has become worse than was indicated on the form and fails to inform the purchaser or the purchaser's agent of that fact as required.

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

Section 1. NRS 113.130 is hereby amended to read as follows:

113.130 1. Except as otherwise provided in subsection 2:

(a) At least 10 days before residential property is conveyed to a purchaser:

(1) The seller shall complete a disclosure form regarding the residential property; and

(2) The seller or the seller's agent shall serve the purchaser or the purchaser's agent with the completed disclosure form.

↪ *A seller's agent ~~may~~ **shall** not complete a disclosure form regarding the residential property on behalf of the seller.*

(b) If, after service of the completed disclosure form but before conveyance of the property to the purchaser, a seller or the seller's agent discovers a new defect in the residential property that was not identified on the completed disclosure form or discovers that a defect identified on the completed disclosure form has become worse than was indicated on the form, the seller or the seller's agent shall inform the purchaser or the purchaser's agent of that fact, in writing, as soon as practicable after the discovery of that fact but in no event later than the conveyance of the property to the purchaser. If the seller does not agree to repair or replace the defect, the purchaser may:

- (1) Rescind the agreement to purchase the property; or
- (2) Close escrow and accept the property with the defect as revealed by the seller or the seller's agent without further recourse.

(c) A seller's agent is not liable to the purchaser for damages if:

- (1) The seller is aware of a defect and fails to disclose the defect to the purchaser on the disclosure form as required pursuant to paragraph (a); or*
- (2) After service of the completed disclosure form but before conveyance of the property to the purchaser, the seller discovers a new defect in the residential property that was not identified on the completed disclosure form or discovers that a defect identified on the completed disclosure form has become worse than was indicated on the form and fails to inform the purchaser or the purchaser's agent of that fact as required pursuant to paragraph (b).*

↪ The provisions of this paragraph do not affect, and must not be construed to affect, the obligation of a seller's agent to comply with the provisions of paragraph (a) of subsection 1 of NRS 645.252.

2. Subsection 1 does not apply to a sale or intended sale of residential property:

- (a) By foreclosure pursuant to chapter 107 of NRS.
- (b) Between any co-owners of the property, spouses or persons related within the third degree of consanguinity.
- (c) Which is the first sale of a residence that was constructed by a licensed contractor.
- (d) By a person who takes temporary possession or control of or title to the property solely to facilitate the sale of the property on behalf of a person who relocates to another county, state or country before title to the property is transferred to a purchaser.

3. A purchaser of residential property may not waive any of the requirements of subsection 1. A seller of residential property may not require a purchaser to waive any of the requirements of subsection 1 as a condition of sale or for any other purpose.

4. If a sale or intended sale of residential property is exempted from the requirements of subsection 1 pursuant to paragraph (a) of subsection 2, the trustee and the beneficiary of the deed of trust shall, not later than at the time of the conveyance of the property to the purchaser of the residential property, or upon the request of the purchaser of the residential property, provide:

(a) Written notice to the purchaser of any defects in the property of which the trustee or beneficiary, respectively, is aware; and

(b) If any defects are repaired or replaced or attempted to be repaired or replaced, the contact information of any asset management company who provided asset management services for the property. The asset management company shall provide a service report to the purchaser upon request.

5. As used in this section:

(a) “Seller” includes, without limitation, a client as defined in NRS 645H.060.

(b) “Service report” has the meaning ascribed to it in NRS 645H.150.

Sec. 2. This act becomes effective on July 1, 2021.

Assemblywoman Jauregui moved the adoption of the amendment.

Remarks by Assemblywoman Jauregui.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 411.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 378.

AN ACT relating to fuel; requiring the State Board of Agriculture to adopt by regulation certain specifications for motor vehicle fuel; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Agriculture to adopt regulations setting forth specifications for motor vehicle fuel. (NRS 590.070) This bill provides that such regulations must allow the sale of motor vehicle fuel containing not more than 15 percent ethanol by volume.

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

Section 1. NRS 590.070 is hereby amended to read as follows:

590.070 1. The State Board of Agriculture shall adopt by regulation specifications for motor vehicle fuel:

(a) Based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the specifications is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or

(b) Proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. As used in this paragraph, “air pollution control agency” means any federal air pollution control agency or any state, regional or local agency that has the authority

pursuant to chapter 445B of NRS to regulate or control air pollution or air quality in any area of this State.

2. Any regulations adopted by the State Board of Agriculture pursuant to subsection 1 must allow the sale of motor vehicle fuel in this State containing not more than 15 percent ethanol by volume.

3. The State Board of Agriculture shall adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel adopted pursuant to this section.

~~3.~~ 4. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale:

(a) Any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture pursuant to this section.

(b) Any biodiesel unless it meets the registration requirements for fuels and fuel additives of 40 C.F.R. Part 79 and the requirements of ASTM Standard D6751, “Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels.”

(c) Any biomass-based diesel or biomass-based diesel blend unless it meets the registration requirements for fuels and fuel additives established by the Administrator of the Environmental Protection Agency pursuant to 42 U.S.C. § 7545.

~~4.~~ 5. This section does not apply to aviation fuel.

~~5.~~ 6. In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.

~~6.~~ 7. As used in this section:

(a) “Biodiesel” means a fuel that is composed of mono-alkyl esters of long-chain fatty acids derived from plant or animal matter.

(b) “Biomass-based diesel” means a diesel fuel substitute that is produced from nonpetroleum renewable resources, such as fuel derived from animal wastes, including, without limitation, poultry fats, poultry wastes and other waste materials, or from municipal solid waste and sludge and oil derived from wastewater and the treatment of wastewater. The term does not include biodiesel.

(c) “Biomass-based diesel blend” means a blend of any biomass-based diesel and any petroleum-based product that is suitable for use as a motor vehicle fuel.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

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

(b) On ~~January~~ **July** 1, 2022, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Remarks by Assemblywoman Monroe-Moreno.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 422.

Bill read second time.

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

Amendment No. 277.

AN ACT relating to elections; requiring the Secretary of State to create a centralized database that collects and stores voter preregistration and registration information from all of the counties; requiring each county clerk to use the database created by the Secretary of State to collect and store preregistration and registration information; making various other changes related to the creation and use of the database created by the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Secretary of State to establish and maintain an official statewide voter registration list in consultation with each county and city clerk which serves as the official list of registered voters in this State. (NRS 293.675) **Section 32** of this bill requires the Secretary of State to establish and maintain a centralized, top-down database that collects and stores information relating to voter preregistration and registration from all counties. **Section 32** further requires: (1) the county clerks to use the database to collect and maintain all information related to voter preregistration and registration; and (2) the Secretary of State to use the voter registration information contained in the database to create the official statewide voter list. **Sections 1-31, 33-37 and 39** of this bill make conforming changes to existing provisions relating to elections, voter preregistration and voter registration to account for the required use of the centralized database.

Section 39.5 of this bill requires the Secretary of State to, beginning on January 1, 2022, and ending on January 1, 2024, submit a semi-annual report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee detailing the progress made by the Secretary of State in implementing the provisions of this bill.

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

Section 1. NRS 293.017 is hereby amended to read as follows:

293.017 “Active registration” means a current registration of a voter in the ~~official register,~~ **statewide voter registration list**, entitling such voter to vote in the manner provided by this title.

Sec. 2. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. After the notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county. This determination must be completed within 9 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.128, 295.056, 298.109 or 306.110, within 20 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 306.035, and within 3 days, excluding Saturdays, Sundays and holidays, after the notification pursuant to this subsection regarding a petition containing signatures which are required to be verified pursuant to NRS 293.172 or 293.200. For the purpose of verification pursuant to this section, the county clerk shall not include in his or her tally of total signatures any signature included in the incorrect petition district.

2. Except as otherwise provided in subsections 3 and 4, if more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of:

(a) Except as otherwise provided in paragraph (b), at least 500 or 5 percent of the signatures, whichever is greater.

(b) If the petition is for the recall of a public officer who holds a statewide office, at least 25 percent of the signatures.

↪ If documents were submitted to the county clerk for more than one petition district wholly contained within that county, a separate random sample must be performed for each petition district.

3. If a petition district comprises more than one county and the petition is for an initiative or referendum proposing a constitutional amendment or a statewide measure, and if more than 500 names have been signed on the documents submitted for that petition district, the appropriate county clerks shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerks within the petition district is given an equal opportunity to be included in the sample. The

sample must include an examination of at least 500 or 5 percent of the signatures presented in the petition district, whichever is greater. The Secretary of State shall determine the number of signatures that must be verified by each county clerk within the petition district.

4. If a petition is for the recall of a public officer who does not hold a statewide office, each county clerk:

(a) Shall not examine the signatures by sampling them at random for verification;

(b) Shall examine for verification every signature on the documents submitted to the county clerk; and

(c) When determining the total number of valid signatures on the documents, shall remove each name of a registered voter who submitted a request to have his or her name removed from the petition pursuant to NRS 306.015.

5. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. Except as otherwise provided in subsection 6, the county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

6. If:

(a) ~~Pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer;~~

~~(b)~~ A person registers to vote using the system established by the Secretary of State pursuant to NRS 293.671;

~~(c)~~ **(b)** A person registers to vote pursuant to NRS 293D.230 and signs his or her application to register to vote using a digital signature or an electronic signature; or

~~(d)~~ **(c)** A person registers to vote pursuant to NRS 293.5742,
↳ the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.

7. In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

8. Except as otherwise provided in subsection 10, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. In the case of a petition for

initiative or referendum proposing a constitutional amendment or statewide measure, if a petition district comprises more than one county, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or pursuant to NRS 306.015 for a petition to recall a public officer who holds a statewide office, if applicable.

9. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

10. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

11. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 3. NRS 293.250 is hereby amended to read as follows:

293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedures to be followed and the requirements of ~~the~~

~~—(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.~~

~~—(2) The~~ **the** system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.

2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 4. NRS 293.3165 is hereby amended to read as follows:

293.3165 1. Except as otherwise provided in this section, a registered voter who provides sufficient written notice to the county clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote. The written notice is effective for all elections that are conducted after the registered voter provides the written notice to the county clerk, except that the written notice is not effective for the next ensuing election unless the written notice is provided to the county clerk before the time has elapsed for requesting an absent ballot for the election pursuant to subsection 1 of NRS 293.313.

2. Except as otherwise provided in this section or for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive, upon receipt of the written notice provided by the registered voter pursuant to subsection 1, the county clerk shall:

(a) Issue an absent ballot to the registered voter for each primary election, general election and special election, other than a special city election, that is conducted after the written notice is effective pursuant to subsection 1.

(b) Inform the applicable city clerk of receipt of the written notice provided by the registered voter. Upon being informed of the written notice by the county clerk, the city clerk shall issue an absent ballot for each primary city election, general city election and special city election that is conducted after the written notice is effective pursuant to subsection 1.

3. The county clerk must not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530;

(b) The county clerk cancels the registration of the person pursuant to NRS ~~293.527,~~ 293.530, 293.535 or 293.540; ~~or~~

(c) ***The registered voter has moved to another county and the county clerk of that county has updated the voter's registration on the statewide voter registration list pursuant to NRS 293.527; or***

(d) An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.

4. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 5. NRS 293.4855 is hereby amended to read as follows:

293.4855 1. Every citizen of the United States who is 17 years of age or older but less than 18 years of age and has continuously resided in this State for 30 days or longer may preregister to vote by any of the methods available for a person to register to vote pursuant to this title. A person eligible to preregister to vote is deemed to be preregistered to vote upon the submission of a completed application to preregister to vote.

2. If a person preregisters to vote, he or she shall be deemed to be a registered voter on his or her 18th birthday unless:

(a) The person's preregistration has been cancelled as described in subsection 7; or

(b) Except as otherwise provided in NRS 293D.210, on the person's 18th birthday, he or she does not satisfy the voter eligibility requirements set forth in NRS 293.485.

3. The county clerk shall issue to a person who is deemed to be registered to vote pursuant to subsection 2 a voter registration card as soon as practicable after the person is deemed to be registered to vote, but the issuance of a voter registration card to the person is not a prerequisite to vote in an election.

4. On the date that a person who preregisters to vote is deemed to be registered to vote, his or her application to preregister to vote is deemed to be his or her application to register to vote.

5. If a person preregistered to vote:

(a) By mail or computer, he or she shall be deemed to have registered to vote by mail or computer, as applicable.

(b) In person, he or she shall be deemed to have registered to vote in person.

6. The preregistration information of a person may be updated by any of the methods for updating the voter registration information of a person pursuant to this chapter.

7. The preregistration to vote of a person may be cancelled by any of the means and for any of the reasons for cancelling voter registration pursuant to this chapter.

8. Except as otherwise provided in this subsection, all preregistration information relating to a person is confidential and is not a public record. Once a person's application to preregister to vote is deemed to be an application to register to vote, any voter registration information related to the person must be disclosed pursuant to any law that requires voter registration information to be disclosed.

9. The Secretary of State shall adopt regulations providing for preregistration to vote. The regulations:

(a) Must include, without limitation, provisions to ensure that once a person is deemed to be a registered voter pursuant to subsection 2, the person is issued a voter registration card as soon as practicable and is immediately added to the statewide voter registration list ; ~~and the registrar of voters' register;~~ and

(b) Must not require a county clerk to provide to a person who preregisters to vote sample ballots or any other voter information provided to registered voters unless the person will be eligible to vote at the election for which the sample ballots or other information is provided.

Sec. 6. NRS 293.503 is hereby amended to read as follows:

293.503 1. The county clerk of each county where a registrar of voters has not been appointed pursuant to NRS 244.164:

(a) Is ex officio county registrar and registrar for all precincts within the county.

(b) Shall have the custody of all books, documents and papers pertaining to preregistration or registration provided for in this chapter.

2. All books, documents and papers pertaining to preregistration or registration are official records of the office of the county clerk.

3. The county clerk shall maintain records of any program or activity that is conducted within the county to ensure the accuracy and currency of the ~~registrar of voters' register~~ **statewide voter registration list** for not less than 2 years after creation. The records must include the names and addresses of any person to whom a notice is mailed pursuant to NRS 293.5235, 293.530, or 293.535 and whether the person responded to the notice.

4. Any program or activity that is conducted within the county for the purpose of removing the name of each person who is ineligible to vote in the county from the ~~registrar of voters' register~~ **statewide voter registration list** must be complete not later than 90 days before the next primary or general election.

5. Except as otherwise provided by subsection 6, all records maintained by the county clerk pursuant to subsection 3 must be available for public inspection.

6. Except as otherwise provided in NRS 239.0115, any information relating to where a person preregisters or registers to vote must remain confidential and is not available for public inspection. Such information may only be used by an election officer for purposes related to preregistration and registration.

Sec. 7. NRS 293.506 is hereby amended to read as follows:

293.506 ~~1. A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration.~~

~~2. A system established pursuant to subsection 1 must:~~

~~(a) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250; and~~

~~(b) Allow a person to preregister to vote and the county clerk to keep records of preregistration by computer.~~

~~3. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, regardless of whether a county clerk establishes a system pursuant to subsection 1, the county clerk shall accept applications to preregister and register to vote submitted by computer to the Secretary of State through the system established by the Secretary of State pursuant to NRS 293.671.~~

Sec. 8. NRS 293.510 is hereby amended to read as follows:

293.510 1. ~~Except as otherwise provided in subsection 3, in counties where computers are not used to register voters, the~~ **Each** county clerk shall ~~f~~

~~(a) Segregate original applications to register to vote according to the precinct in which the registered voters reside and arrange the applications in each precinct or district in alphabetical order. The applications for each precinct or district must be kept separately. use the database created by the Secretary of State pursuant to NRS 293.675 to prepare a roster for each precinct or district. These applications must be used to prepare the rosters.~~

~~(b) Arrange the duplicate applications of registration in alphabetical order for the entire county and keep them in binders or a suitable file which constitutes the registrar of voters' register.~~

~~2. Except as otherwise provided in subsection 3, in any county where a computer is used to register voters, the county clerk shall:~~

~~(a) Arrange the original applications to register to vote for the entire county in a manner in which an original application may be quickly located. These original applications constitute the registrar of voters' register.~~

~~—(b) Segregate the applications to register to vote in a computer file according to the precinct or district in which the registered voters reside, and for each precinct or district have printed a computer listing which contains the applications to register to vote in alphabetical order. These listings of applications to register to vote must be used to prepare the rosters.~~

~~—3. From the applications to register to vote received by each county clerk, the county clerk shall:~~

~~—(a) Segregate the applications electronically transmitted by the Department of Motor Vehicles pursuant to subsection 1 of NRS 293.5747 in a computer file according to the precinct or district in which the registered voters reside; and~~

~~—(b) Arrange the applications in each precinct or district in alphabetical order.~~

~~—4.]~~ 2. Each county clerk shall keep the applications to preregister to vote separate from the applications to register to vote until such applications are deemed to be applications to register to vote pursuant to subsection 2 of NRS 293.4855.

Sec. 9. NRS 293.513 is hereby amended to read as follows:

293.513 If at any time ~~[the registrar of voters' register]~~ **voter registration** is closed for one election, but open for some other election, any elector must be permitted to register **to vote** for the other election. ~~[- but the county clerk shall retain the elector's application to register to vote in a separate file until the registrar of voters' register is again open for filing of applications at which time all applications in the temporary file must be placed in their proper position in the registrar of voters' register.]~~

Sec. 10. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any person who meets the qualifications set forth in NRS 293.4855 residing within the county may preregister to vote and any elector residing within the county may register to vote:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to preregister or register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to preregister or register to vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.5727 or 293.5742 or chapter 293D of NRS;

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237;

(e) By submitting an application to preregister or register to vote by computer using the system ~~[-~~

~~—(1) Established]~~ **established** by the Secretary of State pursuant to NRS 293.671; or

~~[(2) Established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters; or]~~

(f) By any other method authorized by the provisions of this title.

↪ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before preregistering or registering the person. If the applicant preregisters or registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive. For the purposes of this subsection, a voter registration card does not provide proof of the residence or identity of a person.

2. In addition to the methods for registering to vote described in subsection 1, an elector may register to vote pursuant to NRS 293.5772 to 293.5887, inclusive.

3. Except as otherwise provided in NRS 293.5732 to 293.5757, inclusive, the application to preregister or register to vote must be signed and verified under penalty of perjury by the person preregistering or the elector registering.

4. Each person or elector who is or has been married must be preregistered or registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

5. A person or an elector who is preregistered or registered and changes his or her name must complete a new application to preregister or register to vote, as applicable. The person or elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to preregister or register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to preregister or register to vote;

(d) At any voter registration agency; or

(e) By submitting an application to preregister or register to vote by computer using the system ~~†~~

~~—(1) Established† established by the Secretary of State pursuant to NRS 293.671 . † or~~

~~—(2) Established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.]~~

↪ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

6. Except as otherwise provided in subsection 8 and NRS 293.5742 to 293.5757, inclusive, 293.5767 and 293.5772 to 293.5887, inclusive, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

7. After the county clerk determines that the application to register to vote of a person is complete and that, except as otherwise provided in NRS

293D.210, the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter.

8. If a person or an elector submits an application to preregister or register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application is incomplete or that, except as otherwise provided in NRS 293D.210, the person is not eligible to preregister pursuant to NRS 293.4855 or the elector is not eligible to vote pursuant to NRS 293.485, as applicable. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the person or elector, as applicable, and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application is complete and, except as otherwise provided in NRS 293D.210, the person is eligible to preregister pursuant to NRS 293.4855 or the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application.

9. If the district attorney advises the county clerk to process the application pursuant to subsection 8, the county clerk shall immediately issue a voter registration card to the applicant, unless the applicant is preregistered to vote and does not currently meet the requirements to be issued a voter registration card pursuant to NRS 293.4855.

Sec. 11. NRS 293.518 is hereby amended to read as follows:

293.518 1. Except as otherwise provided in NRS 293.5737 and 293.5742, at the time a person preregisters or an elector registers to vote, the person or elector must indicate:

(a) A political party affiliation; or

(b) That he or she is not affiliated with a political party.

↪ A person or an elector who indicates that he or she is “independent” shall be deemed not affiliated with a political party.

2. If a person or an elector indicates that he or she is not affiliated with a political party, or is independent, the county clerk or field registrar of voters shall list the person’s or elector’s political party as nonpartisan.

3. If a person or an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the person’s or elector’s political party as indicated by the person or elector.

4. If a person or an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:

(a) List the person’s or elector’s political party as the party indicated in the application to preregister or register to vote, as applicable.

(b) When compiling data related to preregistration and voter registration for the county, report the person's or elector's political party as "other party."

5. Except as otherwise provided in subsection 6, if a person or an elector does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:

(a) List the person's or elector's political party as nonpartisan; and

(b) Mail to the person or elector a notice setting forth that the person has been preregistered or the elector has been registered to vote, as applicable, as a nonpartisan because he or she did not make any of the indications described in subsection 1.

6. Except as otherwise provided in subsection 7, if a person who is preregistered or registered to vote:

(a) Submits a new paper application to preregister or register to vote ; ~~in the same county in which the person is preregistered or registered to vote;~~ and

(b) Does not make any of the indications described in subsection 1 on the new paper application,

↳ the county clerk or field registrar of voters shall not change the person's existing political party affiliation that was established by his or her prior application pursuant to this section and is listed in the ~~current records of the county clerk.~~ **statewide voter registration list.**

7. The provisions of subsection 6 do not apply to a voter who registers to vote using the National Mail Voter Registration Application promulgated by the United States Election Assistance Commission pursuant to the National Voter Registration Act, 52 U.S.C. §§ 20501 et seq., as amended.

Sec. 12. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may preregister or register to vote by:

(a) Mailing an application to preregister or register to vote to the county clerk of the county in which the person resides.

(b) A computer using ~~the~~

~~(1) The~~ **the** system established by the Secretary of State pursuant to NRS 293.671 . ~~the~~

~~(2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.~~

(c) Any other method authorized by the provisions of this title.

2. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county.

3. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive:

(a) An application to preregister to vote may be used to correct information in a previous application.

(b) An application to register to vote may be used to correct information in the ~~registrar of voters' register.~~ **statewide voter registration list.**

4. An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

5. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 12 and signing the application.

6. The county clerk shall, upon receipt of an application, determine whether the application is complete.

7. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card; or

(b) A notice that the person's application to preregister to vote or the ~~registrar of voters' register~~ **statewide voter registration list** has been corrected to reflect any changes indicated on the application.

8. Except as otherwise provided in subsections 5 and 6 of NRS 293.518 and NRS 293.5767, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is:

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card; or

(b) A notice that the person's application to preregister to vote or the ~~registrar of voters' register~~ **statewide voter registration list** has been corrected to reflect any changes indicated on the application.

➔ If the applicant does not provide the additional information within the prescribed period, the application is void.

9. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the ~~registrar of voters' register~~ **statewide voter registration list** on the date the application is postmarked or received by the county clerk, whichever is earlier.

10. If the applicant fails to check the box described in paragraph (b) of subsection 12, the application shall not be considered invalid, and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

11. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:

(a) Mail, which must be used to preregister or register to vote by mail in this State.

(b) Computer, which must be used to preregister or register to vote by computer using ~~[-~~

~~— (1) The~~ *the* system established by the Secretary of State pursuant to NRS 293.671 . ~~[- or~~

~~— (2) A system established by the county clerk, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.]~~

12. The application to preregister or register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.

(b) The question, “Are you a citizen of the United States?” and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) If the application is to:

(1) Preregister to vote, the question, “Are you at least 17 years of age and not more than 18 years of age?” and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, the question, “Will you be at least 18 years of age on or before election day?” and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked “no” in response to the question set forth in:

(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

13. Except as otherwise provided in subsections 5 and 6 of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

14. The county clerk shall mail, by postcard, the notices required pursuant to subsections 7 and 8. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.

15. A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

16. An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.

17. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

18. A person who willfully violates any of the provisions of subsection 15, 16 or 17 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

19. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 13. NRS 293.525 is hereby amended to read as follows:

293.525 1. Any elector who is presently registered and has changed residence after the last preceding general election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:

(a) From one precinct to another or from one congressional district to another within the same county must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.

(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.

2. If an elector alleges that the ~~records in the registrar of voters' register~~ **statewide voter registration list** or the roster incorrectly indicate that the elector has changed residence, the elector must be permitted to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the county in the manner set forth in NRS 293.304.

4. The county clerk shall use any information regarding the current address of an elector obtained pursuant to this section to correct information

in the ~~registrar of voters' register~~ **statewide voter registration list** and the roster.

Sec. 14. NRS 293.527 is hereby amended to read as follows:

293.527 When a person moves to another county and preregisters to vote therein, or an elector moves to another county and registers to vote therein, the county clerk of the county where the person or elector has moved shall ~~send a cancellation notice to the clerk of the county in which the person or elector previously resided. The county clerk receiving such a notice shall cancel the preregistration or registration of the person or elector and place it in a cancelled file.~~ **update the person's preregistration or elector's registration, as applicable, in the database created by the Secretary of State pursuant to NRS 293.675.**

Sec. 15. NRS 293.533 is hereby amended to read as follows:

293.533 Any elector may bring and any number of electors may join in an action or proceeding in a district court to compel the county clerk to enter the name of such elector or electors in the ~~registrar of voters' register~~ **statewide voter registration list** and the roster.

Sec. 16. NRS 293.537 is hereby amended to read as follows:

293.537 1. The county clerk of each county shall maintain:

- (a) A file of the applications to preregister to vote of persons who have cancelled their preregistration; and
- (b) A file of the applications to register to vote of electors who have cancelled their registration, ~~+~~

↪ in the database created by the Secretary of State pursuant to NRS 293.675. The files must be kept in alphabetical order. The county clerk shall mark the applications "Cancelled," and indicate thereon the reason for cancellation.

2. If the county clerk finds that the preregistration of a person was cancelled erroneously, the county clerk shall reinstate the person's application to preregister to vote.

3. If the county clerk finds that the registration of an elector was cancelled erroneously, the county clerk shall reregister the elector or on election day allow the elector whose registration was erroneously cancelled to vote pursuant to NRS 293.304, 293.525, 293C.295 or 293C.525.

4. The county clerk ~~may:~~

~~(a) Microfilm the applications to preregister or register to vote of a person or an elector who cancels his or her preregistration or registration, as applicable, and destroy the originals at any time.~~

~~(b) Record~~ **shall record** cancelled applications to preregister or register to vote ~~by computer~~ **in the database created by the Secretary of State pursuant to NRS 293.675** and destroy the originals at any time.

~~(c) Destroy any application to preregister or register to vote of a person or an elector who cancels his or her preregistration or registration, as applicable, after the expiration of 3 years after the date of cancellation.~~

Sec. 17. NRS 293.541 is hereby amended to read as follows:

293.541 1. The county clerk shall cancel the preregistration of a person or the registration of a voter if:

(a) After consultation with the district attorney, the district attorney determines that there is probable cause to believe that information in the application to preregister or register to vote concerning the identity or residence of the person or voter is fraudulent;

(b) The county clerk provides a notice as required pursuant to subsection 2 or executes an affidavit of cancellation pursuant to subsection 3; and

(c) The person or voter fails to present satisfactory proof of identity and residence pursuant to subsection 2, 4 or 5.

2. Except as otherwise provided in subsection 3, the county clerk shall notify the person or voter by registered or certified mail, return receipt requested, of a determination made pursuant to subsection 1. The notice must set forth the grounds for cancellation. Unless the person or voter, within 15 days after the return receipt has been filed in the office of the county clerk, presents satisfactory proof of identity and residence to the county clerk, the county clerk shall cancel the person's preregistration or the voter's registration, as applicable.

3. If insufficient time exists before a pending election to provide the notice required by subsection 2 to a registered voter, the county clerk shall execute an affidavit of cancellation and ~~file the affidavit of cancellation with the registrar of voters' register and:~~

~~—(a) In counties where records of registration are not kept by computer, the county clerk shall~~ attach a copy of the affidavit of cancellation in the roster.

~~—(b) In counties where records of registration are kept by computer, the county clerk shall have the affidavit of cancellation printed on the computer entry for the registration and add a copy of it to the roster.~~

4. If a voter appears to vote at the election next following the date that an affidavit of cancellation was executed for the voter pursuant to this section, the voter must be allowed to vote only if the voter furnishes:

(a) Official identification which contains a photograph of the voter, including, without limitation, a driver's license or other official document; and

(b) Satisfactory identification that contains proof of the address at which the voter actually resides and that address is consistent with the address listed on the roster.

5. If a determination is made pursuant to subsection 1 concerning information in the registration to vote of a voter and an absent ballot or a ballot voted by a voter who resides in a mailing precinct is received from the voter, the ballot must be kept separate from other ballots and must not be counted unless the voter presents satisfactory proof to the county clerk of identity and residence before such ballots are counted on election day.

6. For the purposes of this section, a voter registration card does not provide proof of the:

(a) Address at which a person actually resides; or

(b) Residence or identity of a person.

Sec. 18. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) ~~File the challenge in the registrar of voters' register and:~~

~~—(1) In counties where records of registration are not kept by computer, he or she shall attach. Attach a copy of the challenge to the challenged registration in the roster.~~

~~[(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the roster.]~~

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 19. NRS 293.548 is hereby amended to read as follows:

293.548 1. A person who files a written challenge pursuant to NRS 293.547 or an affidavit pursuant to NRS 293.535 may withdraw the challenge or affidavit not later than the 25th day before the date of the election, by submitting a written request to the county clerk. Upon receipt of the request, the county clerk shall:

(a) Remove the challenge or affidavit from ~~the registrar of voters' register,~~ any roster and any other record in which the challenge or affidavit has been filed or entered;

(b) If a notice of the challenge or affidavit has been mailed to the person who is the subject of the challenge or affidavit, mail a notice and a copy of the request to withdraw to that person; and

(c) If a notice of the challenge has been mailed to the district attorney, mail a notice and a copy of the request to withdraw to the district attorney.

2. If the county clerk receives a request to withdraw pursuant to subsection 1, the county clerk shall withdraw the person's challenge or affidavit.

Sec. 20. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the fourth Tuesday preceding the primary or general election.

(3) ~~By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.~~

~~(4)~~ By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the Thursday preceding the primary or general election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election by any method of registration is the third Saturday preceding the recall or special election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary or general election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

↪ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day that the last method of registration for the election, as set forth in subsection 1, will be closed.

4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 21. NRS 293.5727 is hereby amended to read as follows:

293.5727 1. Except as otherwise provided in this section, the Department of Motor Vehicles shall provide a paper application to preregister or register to vote to each person who:

(a) Applies for the issuance or renewal of any type of driver's license or identification card issued by the Department; and

(b) Does not apply to register to vote pursuant to NRS 293.5742.

2. The county clerk shall use the paper applications to preregister or register to vote which are signed and completed pursuant to subsection 1 to preregister or register ~~applicants~~ **an applicant** to vote or to correct ~~information in a person's previous application to preregister or the registrar of voters' register.~~ **the preregistration or registration of the applicant, as applicable.** A paper application that is not signed must not be used to preregister or register or correct the preregistration or registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the Director of the Department may oversee the completion of a paper application. The authorized employee shall check the paper application for completeness and verify the information required by the paper application. Each paper application must include a duplicate copy or receipt to be retained by the applicant upon completion of the form. The Department shall, except as otherwise provided in this subsection, forward each paper application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. The paper applications must be forwarded daily during the 2 weeks immediately preceding the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable.

4. The Department is not required to provide a paper application to register to vote pursuant to subsection 1 to a person who declines to apply to register to vote pursuant to this section and submits to the Department a written form that meets the requirements of 52 U.S.C. § 20506(a)(6). Information related to the declination to apply to register to vote must not be used for any purpose other than voter registration.

5. The county clerk shall accept any paper application to:

(a) Preregister to vote at any time.

(b) Register to vote which is obtained from the Department of Motor Vehicles pursuant to this section and completed by the last day to register to vote by mail pursuant to NRS 293.560 or 293C.527, as applicable, if the county clerk receives the paper application not later than 5 days after that date.

6. Upon receipt of a paper application, the county clerk or field registrar of voters shall determine whether the paper application is complete. If the county clerk or field registrar of voters determines that the paper application is complete, he or she shall notify the applicant and the applicant shall be deemed to be preregistered or registered as of the date of the submission of the paper application. If the county clerk or field registrar of voters determines that the paper application is not complete, he or she shall notify the applicant of the additional information required. The applicant shall be deemed to be preregistered or registered as of the date of the initial submission of the paper application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete paper application is void. Any notification required by this subsection must be given by mail at the mailing address on the paper application not more than 7 working days after the determination is made concerning whether the paper application is complete.

7. The county clerk shall use any form submitted to the Department to correct information on a driver's license or identification card to correct information on a previous application to preregister or ~~in the registrar of voters' register,~~ **register** unless the person indicates on the form that the correction is not to be used for the purposes of preregistration or voter registration. The Department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for paper applications to preregister or register to vote.

8. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the ~~application to preregister to vote or the registrar of voters' register, as applicable,~~ **database created by the Secretary of State pursuant to NRS 293.675**. The county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that the records have been corrected.

9. The Secretary of State shall, with the approval of the Director, adopt regulations to:

(a) Establish any procedure necessary to provide a person who applies to preregister to vote or an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or paper applications which the Department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed paper applications of preregistration or registration from the Department to the appropriate county clerk.

Sec. 22. NRS 293.5732 is hereby amended to read as follows:

293.5732 1. The Secretary of State ~~+~~ **and** the Department of Motor Vehicles ~~and each county clerk~~ shall cooperatively establish a system by which voter registration information that is collected pursuant to NRS 293.5742 by the Department from a person who submits an application for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department must be transmitted electronically to **the database created by** the Secretary of State ~~and the county clerks~~ **pursuant to NRS 293.675** for the purpose of registering the person to vote or updating the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530.

2. The system established pursuant to subsection 1 must:

(a) Ensure the secure electronic storage of information collected pursuant to NRS 293.5742, the secure transmission of such information to **the database created by** the Secretary of State ~~and county clerks~~ **pursuant to NRS 293.675** and the secure electronic storage of such information ~~by the Secretary of State and county clerks;~~ **in the database;**

(b) Provide for the destruction of records by the Department as required by subsection 2 of NRS 293.5747; and

(c) Enable the county clerks to receive, view and collate the information into individual electronic documents pursuant to paragraph (c) of subsection 1 of NRS 293.5742.

Sec. 23. NRS 293.5737 is hereby amended to read as follows:

293.5737 1. The Department of Motor Vehicles shall follow the procedures described in this section and NRS 293.5742 and 293.5747 if a person applies to the Department for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department.

2. Before concluding the person's transaction with the Department, the Department shall notify each person described in subsection 1:

(a) Of the qualifications to vote in this State, as provided by NRS 293.485;

(b) That, unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable:

(1) The person is deemed to have consented to the transmission of information to the **database created by the** Secretary of State ~~and the county clerks~~ **pursuant to NRS 293.675** for the purpose of registering the person to vote or updating the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530; and

(2) The Department will transmit to the ~~county clerk of the county in which the person resides~~ **database created by the Secretary of State pursuant**

to NRS 293.675 all information required to register the person to vote pursuant to this chapter or to update the voter registration information of the person for the purpose of correcting the statewide voter registration list pursuant to NRS 293.530;

(c) That:

(1) Indicating a political party affiliation or indicating that the person is not affiliated with a political party is voluntary;

(2) The person may indicate a political party affiliation on a paper or electronic form provided by the Department; and

(3) The person will not be able to vote at a primary election or primary city election for candidates for partisan offices of a major political party unless the person updates his or her voter registration information to indicate a major political party affiliation; and

(d) Of the provisions of subsections 2 and 3 of NRS 293.5757.

3. The failure or refusal of the person to acknowledge that he or she has received the notice required by subsection 2:

(a) Is not a declination by the person to apply to register to vote or have his or her voter registration information updated; and

(b) Shall not be deemed to affect any duty of the Department, the Secretary of State or any county clerk:

(1) Relating to the application of the person to register to vote; or

(2) To update the voter registration information of the person.

4. The Department:

(a) Shall prescribe by regulation the form of the notice required by subsection 2 and the procedure for providing it; and

(b) Shall not require the person to acknowledge that he or she has received the notice required by subsection 2.

Sec. 24. NRS 293.5742 is hereby amended to read as follows:

293.5742 1. Unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for a driver's license or identification card issued by the Department, the Department shall collect from the person:

(a) A paper or electronic affirmation signed under penalty of perjury that the person is eligible to vote;

(b) An electronic facsimile of the signature of the person, if the Department is capable of recording, storing and transmitting to the ~~county clerk~~ **database created by the Secretary of State pursuant to NRS 293.675** an electronic facsimile of the signature of the person;

(c) Any personal information which the person has not already provided to the Department and which is required for the person to register to vote or to update the voter registration information of the person, including:

(1) The first or given name and the surname of the person;

(2) The address at which the voter actually resides as set forth in NRS 293.486 and, if different, the address at which the person may receive mail, including, without limitation, a post office box or general delivery;

(3) The date of birth of the person;

(4) Except as otherwise provided in subsection 2, one of the following:

(I) The number indicated on the person's current and valid driver's license or identification card issued by the Department, if the person has such a driver's license or identification card; or

(II) The last four digits of the person's social security number, if the person does not have a driver's license or identification card issued by the Department and has a social security number; and

(5) The political party affiliation, if any, indicated by the person; and

(d) The paper or electronic form, if any, completed by the person and indicating his or her political party affiliation.

2. If the person does not have the identification described in subparagraph (4) of paragraph (c) of subsection 1, the person must sign an affidavit stating that he or she does not have a current and valid driver's license or identification card issued by the Department or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the person which must be the same number as the unique identifier assigned to the person for the purpose of the statewide voter registration list.

Sec. 25. NRS 293.5747 is hereby amended to read as follows:

293.5747 1. Except as otherwise provided in this subsection, the Department of Motor Vehicles shall electronically transmit to the *database created by* Secretary of State ~~and the appropriate county clerk~~ *pursuant to NRS 293.675* the information and any electronic documents collected from a person pursuant to NRS 293.5742:

(a) Except as otherwise provided in paragraph (b), not later than 5 working days after collecting the information; and

(b) During the 2 weeks immediately preceding the fifth Sunday preceding an election, not later than 1 working day after collecting the information.

2. The Department shall destroy any record containing information collected pursuant to NRS 293.5742 that is not otherwise collected by the Department in the normal course of business immediately after transmitting the information to the *database created by the* Secretary of State ~~and county clerk~~ *pursuant to subsection 1.*

3. The Department shall forward the following paper documents on a weekly basis to the ~~appropriate county clerk~~ *database created by the Secretary of State pursuant to NRS 293.675* or daily during the 2 weeks immediately preceding the fifth Sunday preceding an election:

(a) Each signed affirmation collected pursuant to paragraph (a) of subsection 1 of NRS 293.5742;

(b) Any completed form indicating a political party affiliation collected pursuant to paragraph (d) of subsection 1 of NRS 293.5742; and

(c) Any affidavit signed pursuant to subsection 2 of NRS 293.5742.

Sec. 26. NRS 293.5752 is hereby amended to read as follows:

293.5752 1. Unless the person affirmatively declines in writing to apply to register to vote or have his or her voter registration information updated, as applicable, if a person applies to the Department of Motor Vehicles for the issuance or renewal of or change of address for any type of driver's license or identification card issued by the Department:

(a) The person shall be deemed an applicant to register to vote.

(b) Any action taken by the person pursuant to NRS 293.5742 shall be deemed an act of applying to register to vote.

(c) Upon receipt of the information collected from the person and transmitted to ~~the county clerk~~ **the database created by the Secretary of State pursuant to NRS 293.675** by the Department of Motor Vehicles, the **appropriate** county clerk shall collate the information into an individual electronic document ~~to~~ **in the database**, which shall be deemed an application to register to vote.

(d) Unless the applicant is already registered to vote, the date on which the person applies to register to vote pursuant to NRS 293.5742 shall be deemed the date on which the applicant registered to vote.

2. If the county clerk determines that the application is complete and that the applicant is eligible to vote pursuant to NRS 293.485, **the county clerk shall ensure that** the name of the applicant ~~must appear~~ **appears** on the statewide voter registration list and the appropriate roster, and the person must be provided all sample ballots and any other voter information provided to registered voters. If the county clerk determines that the application is not complete, he or she shall notify the applicant that additional information is required in accordance with the provisions of NRS 293.5727.

3. For each applicant who applies to register to vote pursuant to NRS 293.5742:

(a) The electronic facsimile of the signature of the applicant shall be deemed to be the facsimile of the signature on the person's application to register to vote to be used for the comparison purposes of NRS 293.277 if ~~the~~

~~(1) An~~ **an** electronic facsimile of the signature has been collected and transmitted ~~to the county clerk of the county in which the applicant resides~~ pursuant to NRS 293.5742 and 293.5747, respectively; ~~and~~

~~(2) The county clerk is capable of receiving, storing and using the facsimile of the signature for that purpose;~~ or

(b) If the conditions described in paragraph (a) are not met, the signature of the applicant on the affirmation signed pursuant to paragraph (a) of subsection 1 of NRS 293.5742 shall be deemed to be the signature on the person's application to register to vote for the purpose of making a facsimile thereof to be used for the comparison purposes of NRS 293.277.

4. If an applicant is already registered to vote, the county clerk shall use the voter registration information of the applicant transmitted by the Department of Motor Vehicles to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

Sec. 27. NRS 293.5762 is hereby amended to read as follows:

293.5762 1. At the time the Department of Motor Vehicles notifies a person of the qualifications to vote in this State pursuant to NRS 293.5737, the Department shall provide the person with a paper form on which the person may:

(a) Affirmatively decline to be registered to vote or have his or her voter registration updated; and

(b) Elect to indicate a political party affiliation.

2. The form provided by the Department pursuant to subsection 1:

(a) Must include a notice informing the person of the information required pursuant to paragraphs (b) and (c) of subsection 2 of NRS 293.5737, and that the person may:

(1) Return the completed form at the end of his or her transaction with the Department by depositing the form in the secured container provided by the Department pursuant to subsection 3; or

(2) Use the system established by the Secretary of State pursuant to NRS 293.671 to update his or her voter registration information, including, without limitation, the person's name, address and party affiliation.

(b) May include any other information that the Department determines is necessary to carry out the provisions of this section.

3. The Department shall provide a secured container within the Department designated for the return of any form provided to a person pursuant to this section.

4. For the purposes of NRS 293.5742 and 293.5747:

(a) If a person deposits the completed form in the secured container at the end of his or her transaction with the Department and has not affirmatively declined in the form to be registered to vote or have his or her voter registration updated:

(1) The Department shall be deemed to have collected the information contained in the form from the person during his or her transaction with the Department; and

(2) The person shall be deemed to have consented to the transmission of that information and the other information and documents collected during his or her transaction with the Department to the *database created by the* Secretary of State ~~and the appropriate county clerks~~ *pursuant to NRS 293.675* for the purpose of registering the person to vote or updating the person's existing voter registration information in order to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

(b) If a person does not deposit the form in the secured container at the end of his or her transaction with the Department:

(1) The person shall be deemed to have consented to the transmission of the information and documents collected during his or her transaction with the Department to the *database created by the* Secretary of State ~~and the appropriate county clerks~~ *pursuant to NRS 293.675* for the purpose of registering the person to vote or updating the person's existing voter

registration information in order to correct the statewide voter registration list pursuant to NRS 293.530, if necessary.

(2) The appropriate county clerk shall list the person's political party as nonpartisan, unless the person is already a registered voter listed as affiliated with a political party in the person's existing voter registration information.

5. The Department may adopt regulations to carry out the provisions of this section.

Sec. 28. NRS 293.5767 is hereby amended to read as follows:

293.5767 1. Each county clerk shall review the voter registration information transmitted by the Department of Motor Vehicles pursuant to NRS 293.5747 and 293.5762 to determine whether the person is eligible to register to vote in this State.

2. If the county clerk determines that a person is not eligible to register to vote pursuant to subsection 1:

(a) It shall be deemed that the transmittal is not a completed voter registration application;

(b) It shall be deemed that the person did not apply to register to vote; ~~and~~

(c) The county clerk must reject the application *and remove the information transmitted by the Department of Motor Vehicles from the database created by the Secretary of State pursuant to NRS 293.675*; and ~~may~~

(d) *May* not register that person to vote.

Sec. 29. NRS 293.5832 is hereby amended to read as follows:

293.5832 1. After the close of registration for an election pursuant to NRS 293.560 or 293C.527, a registered voter may update his or her voter registration information, including, without limitation, his or her name, address and party affiliation.

2. The county or city clerk shall authorize *at least one* ~~for more~~ of the following methods for a registered voter to update his or her voter registration information pursuant to this section:

(a) A paper application; *or*

(b) ~~A system established pursuant to NRS 293.506 for using a computer to register voters; or~~

~~(c) The system established by the Secretary of State pursuant to NRS 293.671.~~

↪ If the county or city clerk authorizes the use of ~~more than one method,~~ *both methods*, the county or city clerk may limit the use of ~~a particular~~ *one* method to circumstances when ~~another~~ *the other* method is not reasonably available.

3. If a registered voter updates his or her voter registration information pursuant to this section and applies to vote in the election, the county or city clerk may require the voter to cast a provisional ballot in the election if any circumstances exist that give the county or city clerk reasonable cause to believe that the use of a provisional ballot is necessary to provide sufficient

time to verify and determine whether the voter is eligible to cast the ballot in the election based on his or her updated voter registration information.

4. If a registered voter casts a provisional ballot in the election pursuant to this section, the provisional ballot is subject to final verification in accordance with the procedures that apply to other provisional ballots cast in the election pursuant to NRS 293.5772 to 293.5887, inclusive.

Sec. 30. NRS 293.5842 is hereby amended to read as follows:

293.5842 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person at any polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote in person during the period for early voting, an elector must:

(a) Appear before the close of polls at a polling place for early voting by personal appearance in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize *at least one* ~~for more~~ of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; *or*

(2) ~~A system established pursuant to NRS 293.506 for using a computer to register voters; or~~

~~—(3)—~~ The system established by the Secretary of State pursuant to NRS 293.671.

↪ If the county or city clerk authorizes the use of ~~more than one method,~~ **both methods**, the county or city clerk may limit the use of ~~a particular~~ **one** method to circumstances when ~~another~~ **the other** method is not reasonably available.

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

3. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

(a) A military identification card;

(b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;

(c) A bank or credit union statement;

(d) A paycheck;

(e) An income tax return;

(f) A statement concerning the mortgage, rental or lease of a residence;

- (g) A motor vehicle registration;
- (h) A property tax statement; or
- (i) Any other document issued by a governmental agency.

4. Subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

(1) The determination that the application to register to vote is complete; and

(2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

(1) May vote in the election only at that polling place;

(2) Must vote as soon as practicable and before leaving that polling place; and

(3) Must vote by casting a provisional ballot, unless it is verified, at that time, that the elector is qualified to register to vote and to cast a regular ballot in the election at that polling place.

Sec. 31. NRS 293.5847 is hereby amended to read as follows:

293.5847 1. Notwithstanding the close of any method of registration for an election pursuant to NRS 293.560 or 293C.527, an elector may register to vote in person on the day of the election at any polling place in the county or city, as applicable, in which the elector is eligible to vote.

2. To register to vote on the day of the election, an elector must:

(a) Appear before the close of polls at a polling place in the county or city, as applicable, in which the elector is eligible to vote.

(b) Complete the application to register to vote by a method authorized by the county or city clerk pursuant to this paragraph. The county or city clerk shall authorize *at least one* ~~for more~~ of the following methods for a person to register to vote pursuant to this paragraph:

(1) A paper application; *or*

(2) ~~A system established pursuant to NRS 293.506 for using a computer to register voters; or~~

~~—(3)—~~ The system established by the Secretary of State pursuant to NRS 293.671.

↪ If the county or city clerk authorizes the use of ~~more than one method,~~ **both methods**, the county or city clerk may limit the use of ~~a particular~~ **one** method to circumstances when ~~another~~ **the other** method is not reasonably available.

(c) Except as otherwise provided in subsection 3, provide his or her current and valid driver's license or identification card issued by the Department of Motor Vehicles which shows his or her physical address as proof of the elector's identity and residency.

3. If the driver's license or identification card issued by the Department of Motor Vehicles to the elector does not have the elector's current residential address, the following documents may be used to establish the residency of the elector if the current residential address of the elector, as indicated on his or her application to register to vote, is displayed on the document:

- (a) A military identification card;
- (b) A utility bill, including, without limitation, a bill for electric, gas, oil, water, sewer, septic, telephone, cellular telephone or cable television service;
- (c) A bank or credit union statement;
- (d) A paycheck;
- (e) An income tax return;
- (f) A statement concerning the mortgage, rental or lease of a residence;
- (g) A motor vehicle registration;
- (h) A property tax statement; or
- (i) Any other document issued by a governmental agency.

4. Subject to final verification, if an elector registers to vote in person at a polling place pursuant to this section:

(a) The elector shall be deemed to be conditionally registered to vote at the polling place upon:

- (1) The determination that the application to register to vote is complete; and
- (2) The verification of the elector's identity and residency pursuant to this section.

(b) After the elector is deemed to be conditionally registered to vote at the polling place pursuant to paragraph (a), the elector:

- (1) May vote in the election only at that polling place;
- (2) Must vote as soon as practicable and before leaving that polling place; and
- (3) Must vote by casting a provisional ballot.

Sec. 32. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain ~~an~~ ***a centralized, top-down database that collects and stores information related to the preregistration of persons and the registration of electors from all the counties in this State. The Secretary of State shall ensure that the database is capable of storing preregistration information separately until a person is qualified to register to vote. Each county clerk shall use the database created by the Secretary of State pursuant to this subsection to collect and maintain all records of preregistration and registration to vote.***

2. ***The Secretary of State shall use the voter registration information collected in the database created pursuant to subsection 1 to create the official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.***

~~2.~~ 3. The statewide voter registration list must:

- (a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name and registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection ~~17.1~~ **8**, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection ~~18.1~~ **9**, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

3. Each county and city clerk shall:

(a) ~~Except for information related to the preregistration of persons to vote, electronically~~ **Electronically** enter into the ~~statewide voter registration list~~ **database created pursuant to subsection 1** all information related to voter **preregistration and** registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

~~14.1~~ **5**. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

~~15.1~~ **6**. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

~~16.1~~ **7**. The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

~~7.7~~ 8. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

~~8.1~~ 9. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 33. NRS 293C.318 is hereby amended to read as follows:

293C.318 1. Except as otherwise provided in this section, a registered voter who provides sufficient written notice to the city clerk may request that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote. The written notice is effective for all elections that are conducted after the registered voter provides the written notice to the city clerk, except that the written notice is not effective for the next ensuing election unless the written notice is provided to the city clerk before the time has elapsed for requesting an absent ballot for the election pursuant to subsection 1 of NRS 293C.310.

2. Except as otherwise provided in this section or for an affected election that is subject to the provisions of NRS 293.8801 to 293.8887, inclusive, upon receipt of the written notice provided by the registered voter pursuant to subsection 1, the city clerk shall:

(a) Issue an absent ballot to the registered voter for each primary city election, general city election and special city election that is conducted after the written notice is effective pursuant to subsection 1.

(b) Inform the county clerk of receipt of the written notice provided by the registered voter. Upon being informed of the written notice by the city clerk, the county clerk shall issue an absent ballot for each primary election, general election and special election, other than a special city election, that is conducted after the written notice is effective pursuant to subsection 1.

3. The city clerk must not mail an absent ballot requested by a registered voter pursuant to subsection 1 if, after the request is submitted:

(a) The registered voter is designated inactive pursuant to NRS 293.530;

(b) The county clerk cancels the registration of the person pursuant to NRS ~~293.527,~~ 293.530, 293.535 or 293.540; ~~or~~

(c) *The registered voter has moved to another county and the county clerk of that county has updated the voter's registration on the statewide voter registration list pursuant to NRS 293.527; or*

(d) An absent ballot is returned to the county clerk as undeliverable, unless the registered voter has submitted a new request pursuant to subsection 1.

4. The procedure authorized pursuant to this section is subject to all other provisions of this chapter relating to voting by absent ballot to the extent that those provisions are not inconsistent with the provisions of this section.

Sec. 34. NRS 293C.525 is hereby amended to read as follows:

293C.525 1. Any elector who is registered to vote and has changed residence after the last preceding general city election and who fails to return or never receives a postcard mailed pursuant to NRS 293.5235, 293.530 or 293.535 who moved:

(a) From one precinct to another within the same city must be allowed to vote in the precinct where the elector previously resided after providing an oral or written affirmation before an election board officer attesting to his or her new address.

(b) Within the same precinct must be allowed to vote after providing an oral or written affirmation before an election board officer attesting to his or her new address.

2. If an elector alleges that the records in ~~the registrar of voters' register or~~ the roster incorrectly indicate that the elector has changed residence, the elector must be allowed to vote after providing an oral or written affirmation before an election board officer attesting that he or she continues to reside at the same address.

3. If an elector refuses to provide an oral or written affirmation attesting to his or her address as required by this section, the elector may only vote at the special polling place in the city in the manner set forth in NRS 293C.295.

Sec. 35. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293.5772 to 293.5887, inclusive, 293D.230 and 293D.300:

(a) For a primary city election or general city election, or a recall or special city election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the fourth Tuesday preceding the primary city election or general city election.

(3) ~~By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the primary city election or general city election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.~~

~~(4)~~ By computer using the system established by the Secretary of State pursuant to NRS 293.671, is the Thursday preceding the primary city election or general city election, unless the system is used to register voters for the election pursuant to NRS 293.5842 or 293.5847.

(b) If a recall or special city election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special city election by any method of registration is the third Saturday preceding the recall or special city election.

2. Except as otherwise provided in NRS 293.5772 to 293.5887, inclusive, after the deadlines for the close of registration for a primary city election or general city election set forth in subsection 1, no person may register to vote for the election.

3. Except for a recall or special city election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that each method of registration for the election, as set forth in subsection 1, will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

↪ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the day on which the last method of registration for the election, as set forth in subsection 1, will be closed.

4. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 36. NRS 293C.540 is hereby amended to read as follows:

293C.540 Not later than 3 days before the day on which any regular or special city election is held, the county clerk shall *use the database created by the Secretary of State pursuant to NRS 293.675 to prepare and* deliver to the city clerk the official register for the city.

Sec. 37. NRS 266.022 is hereby amended to read as follows:

266.022 1. The county clerk shall invalidate the signature of any qualified elector if the signature is not signed in ink and dated or if the signature is executed before the notice to incorporate and the petition for incorporation are filed with the county clerk pursuant to NRS 266.018. The county clerk shall not invalidate a signature because it does not correspond exactly to the signature ~~on the registrar of voters' register~~ *in the database created by the Secretary of State pursuant to NRS 293.675* if the county clerk is able to determine the identity of the signer from the signature on the petition.

2. A petition for incorporation must contain a number of signatures equal to at least one-third of the qualified electors within the boundaries of the city proposed to be incorporated.

3. The petition containing the required number of signatures must be filed with the county clerk within 90 days after the notice to incorporate is filed pursuant to NRS 266.018.

Sec. 38. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 39. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 39.5. Beginning with a report that is due on January 1, 2022, and ending with the submission of a final report that is due on January 1, 2024, the Secretary of State shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee every 6 months that details the progress made by the Secretary of State in implementing the provisions of this act.

Sec. 40. NRS 293.0925 and 293.511 are hereby repealed.

Sec. 41. 1. This section ~~is~~ **and section 39.5 are** effective upon passage and approval.

2. Sections 1 to ~~40,~~ **39,** inclusive, **and 40** of this act become effective:

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

(b) On January 1, ~~2022,~~ **2024,** for all other purposes.

TEXT OF REPEALED SECTIONS

293.0925 “Registrar of voters’ register” defined. “Registrar of voters’ register” means the record of registered voters kept by the county clerk.

293.511 Register or roster kept by computer to include certain information. If a registrar of voters’ register or roster is kept by computer, the register or roster, as applicable, must include the name, address, precinct, political affiliation and signature or facsimile thereof of each voter and any additional information required by the county clerk.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer, Assembly Bills Nos. 149, 411, and 422 be rereferred to the Committee on Ways and Means.

Motion carried.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Friday, April 16, 2021, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:20 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly