

NEVADA LEGISLATURE

81st Session, 2021

SENATE DAILY JOURNAL

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 12, 2021

Senate called to order at 12:08 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louis Locke.

Our Father, who art in heaven, praise and worship be to Your Name. We look to You for wisdom, guidance and direction. Lord, I pray for Your blessing on the members of this Senate. May their hearts and decisions be guided by You. Give them strength, wisdom and good health in this Legislative Session.

We pray for the increased diminishing of the Corona virus and ask for Your healing and comforting touch on those who have been affected.

We ask Your blessing upon the life of each Senator, their family and staff.

Lord, may Your hope, grace and peace reside in our hearts and in our homes.

Through Jesus Christ our Lord,

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 269, 276; Senate Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Education, to which were referred Senate Bills Nos. 352, 353, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 302, 368, 373, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 45, 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Madam President:

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 163, 405; Senate Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Growth and Infrastructure, to which was referred Senate Concurrent Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

DALLAS HARRIS, *Chair*

Madam President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Senate Bills Nos. 49, 123, 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Madam President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 177, 187, 219, 237, 356, 357, 358, 365, 372, 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELANIE SCHEIBLE, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAMES OHRENSCHALL, *Chair*

Madam President:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 400, 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

FABIAN DONATE, *Chair*

MESSAGES FROM ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 9, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Joint Resolution No. 3.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS
WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Cannizzaro.

For: Senate Bill No. 386 and Senate Joint Resolution No. 1 of the 32nd Special Session.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

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

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

Has been granted effective: Thursday, April 8, 2021.

NICOLE J. CANNIZZARO
Senate Majority Leader

JASON FRIERSON
Speaker of the Assembly

NOTICE OF EXEMPTION

April 7, 2021

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 165, 175, 184, 194, 200, 201, 205, 211, 212, 219, 222, 227, 230, 231, 236, 267, 280, 287, 290, 292, 302, 308, 310, 332, 340, 346, 348, 352, 353, 354, 356, 365, 389, 401.

WAYNE THORLEY
Fiscal Analysis Division

April 8, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 5, 11, 22, 30, 40, 48, 56, 66, 69, 70, 78, 86, 87, 91, 96, 113, 116, 126, 129, 130, 131, 136, 139, 140, 145, 154, 158, 162, 170, 171, 318, 321, 351, 366, 374, 393, 397.

WAYNE THORLEY
Fiscal Analysis Division

April 12, 2021

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 163, 187, 276, 326, 373.

WAYNE THORLEY
Fiscal Analysis Division

April 8, 2021

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Senate Bills Nos. 99, 268, 403.

BRENDA J. ERDOES
Director of the Legislative Counsel Bureau

MOTIONS, RESOLUTIONS AND NOTICES

Pursuant to Senate Standing Rule No. 134.1(a), Senate Majority Leader Cannizzaro has authorized Senator Neal to use remote-technology systems to attend, participate, vote and take any other action in the proceedings of the Senate.

Senator Cannizzaro moved that, through April 20, 2021, all necessary rules be suspended, and that all Senate bills and joint resolutions reported out of Committee be immediately placed on the appropriate reading files.

Remarks by Senator Cannizzaro.

This suspension will put bills and joint resolutions just reported out of Committee on the Senate's next Floor Agenda, for the same legislative day, time permitting.

Motion carried.

Senator Cannizzaro moved that, through April 20, 2021, all necessary rules be suspended, and that all Senate bills and joint resolutions amended on the General File or the Resolution File be immediately placed on the appropriate reading file, upon return from reprint, for final passage.

Remarks by Senator Cannizzaro.

This suspension will allow bills and joint resolutions to be voted on the same legislative day they were amended on the General File.

Motion carried.

Assembly Joint Resolution No. 3.

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

Motion carried.

Senator Brooks has approved the addition of Senator Spearman as a primary sponsor of Senate Bill No. 303.

Senator Neal has approved the addition of Senator Harris as a primary sponsor of Senate Bill No. 327.

Senator Cannizzaro moved that Senate Bill No. 190 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 43.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 15.

SUMMARY—Revises provisions relating to the Advisory Board on Outdoor Recreation. (BDR 35-344)

AN ACT relating to outdoor recreation; increasing the membership of the Advisory Board on Outdoor Recreation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Advisory Board on Outdoor Recreation, consisting of 11 voting members, to advise the Administrator of the Division of Outdoor Recreation in the State Department of Conservation and Natural Resources on any matter concerning outdoor recreation in Nevada. (NRS 407A.575) This bill increases the membership of the Advisory Board by adding: (1) ~~the Executive Director of~~ one member nominated by the Board of Directors of the Nevada Association of Counties and appointed by the Governor as a voting member; (2) one representative of the United States Department of the Interior as a nonvoting member; and (3) one representative of the United States Department of Agriculture as a nonvoting member.

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

Section 1. NRS 407A.575 is hereby amended to read as follows:

407A.575 1. There is hereby created the Advisory Board on Outdoor Recreation composed of:

(a) *The following 12 voting members:*

(1) The Lieutenant Governor or his or her designee;

~~[(b)]~~ (2) The Director or his or her designee;

~~[(c)]~~ (3) The Director of the Department of Tourism and Cultural Affairs or his or her designee;

~~[(d)]~~ (4) The Executive Director of the Office of Economic Development or his or her designee;

~~[(e)]~~ (5) The Director of the Department of Wildlife or his or her designee;

~~[(f)]~~ (6) The Administrator of the Division of State Parks of the Department;

~~[(g)]~~ (7) The Chair of the Nevada Indian Commission;

(8) ~~[(The Executive Director)]~~ One member appointed by the Governor from a list of nominees submitted by the Board of Directors of the Nevada Association of Counties, or its successor organization ~~[()]~~, who:

(I) Resides in a county whose population is less than 100,000; and

(II) Has professional expertise or possesses demonstrated knowledge in outdoor recreation, natural resources management and economic development in this State; and

~~[(h)] The following four~~

(9) Four members ~~[(who must be)]~~ appointed by the Governor from a list of nominees submitted by the Lieutenant Governor and the Director ~~[()]~~ as follows:

~~[(1)]~~ (I) A representative of the outdoor recreation industry;

~~[(2)]~~ (II) A representative of conservation interests;

~~[(3)]~~ (III) A person with experience in and knowledge of education; and

~~[(4)]~~ (IV) A person with experience in and knowledge of public health.

(b) *The following two nonvoting members who must be appointed by the Administrator of the Division of Outdoor Recreation or his or her designee, subject to the approval of the Director:*

(1) *A representative of the United States Department of the Interior from the Bureau of Land Management, National Park Service or United States Fish and Wildlife Service; and*

(2) *A representative of the United States Department of Agriculture from the United States Forest Service or Rural Development.*

2. The Lieutenant Governor or his or her designee shall:

(a) Serve as Chair of the Advisory Board; and

(b) Appoint a member of the Advisory Board to serve as Vice Chair of the Advisory Board.

3. The Advisory Board shall meet at such times and places as are specified by a call of the Chair but not less than once a year. ~~[Six] A majority of the voting members of the Advisory Board [constitute] constitutes a quorum. [The] If a quorum is present, the affirmative vote of a majority of the [Advisory Board] voting members of the Advisory Board present is sufficient for any official action [of] taken by the Advisory Board.~~

4. The Advisory Board shall advise the Administrator on any matter concerning outdoor recreation in this State.

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

Senator Donate moved the adoption of the amendment.

Remarks by Senator Donate.

Amendment No. 15 to Senate Bill No. 43 clarifies that instead of the Executive Director of the Nevada Association of Counties (NACO) being the new additional voting member of the Advisory Board on Outdoor Recreation, the amendment would make that member be someone appointed by the Governor from a list of nominees submitted by the Board of Directors of NACO, or its successor organization, who resides in a county whose population is less than 100,000 and has professional expertise or possesses demonstrated knowledge in outdoor recreation, natural resources management and economic development in Nevada.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 173.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 131.

SUMMARY—Revises provisions relating to education. (BDR S-1003)

AN ACT relating to education; authorizing the board of trustees of a school district and the State Public Charter School Authority to submit to the Superintendent of Public Instruction plans to address loss of learning that occurred as a result of the COVID-19 pandemic; requiring the submission to certain entities of certain reports relating to such plans to address loss of learning; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the board of trustees of each school district and the State Public Charter School Authority to submit to the Superintendent of Public Instruction a plan to address loss of learning that occurred as a result of the COVID-19 pandemic. Section 1 sets forth certain requirements for the plan to address loss of learning, including, without limitation, the option for pupils to attend summer school either in-person or through a program of virtual learning. Section 1 further requires the board of trustees of a school district or the governing body of a charter school, as applicable, to provide transportation and certain meals to pupils who attend summer school. Section 1 sets forth requirements relating to the hiring and payment of teachers and other personnel for summer school. Section 1 also authorizes the board of trustees of each school district or the State Public Charter School Authority to use federal money to administer summer school.

Section 2 of this bill requires the board of trustees of each school district and the State Public Charter School Authority to submit a report containing certain information relating to summer school to the Superintendent of Public Instruction on or before October 31, 2021. Section 2 also requires the Superintendent of Public Instruction to submit a compilation of such reports to various governmental entities.

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

Section 1. 1. Not later than 30 days after the effective date of this act, the board of trustees of each school district and the State Public Charter School Authority may submit to the Superintendent of Public Instruction a plan to address any loss of learning that occurred as a result of the public health crisis caused by the COVID-19 pandemic. The plan must include, without limitation:

(a) The option for pupils to attend summer school either in-person or through a program of virtual learning; and

(b) The manner in which the school district, schools within the school district, the State Public Charter School Authority or charter schools sponsored by the State Public Charter School Authority will target pupils who are most at risk of loss of learning to receive services under the plan, including, without limitation:

(1) Pupils who are members of a household that lacks the financial resources necessary to access services to address loss of learning;

(2) Pupils in grade 11 or 12 who are credit deficient;

(3) Pupils in prekindergarten or kindergarten;

(4) Pupils in grade 1, 2 or 3 who are deficient in the subject areas of mathematics or reading;

(5) Pupils in middle school or high school who are deficient in the subject areas of science, technology, engineering, the arts or mathematics;

(6) Pupils with disabilities; and

(7) Pupils who are chronically absent.

2. The board of trustees of a school district or the governing body of a charter school, as applicable, shall provide transportation services and school breakfast and school lunch to pupils who attend summer school pursuant to subsection 1.

3. All persons hired to work in summer school pursuant to subsection 1, including, without limitation, teachers, other licensed personnel and support personnel:

(a) Except as otherwise provided in subsection 4, must already have a contract to work at a school within the school district or the charter school; and

(b) Shall receive compensation for working in summer school based upon the rate in the contract between the employee and the school, in addition to the regular compensation of the employee, subject to any collective bargaining agreement.

4. If a school district or charter school is unable to hire a sufficient number of persons to work in summer school pursuant to paragraph (a) of subsection 3, the school district or charter school may hire retired public employees pursuant to NRS 286.523.

5. The compensation that is paid to an employee pursuant to subsection 3 must not be included for the purposes of calculating the future retirement benefits of the employee.

6. The board of trustees of each school district and the State Public Charter School Authority may request to use federal money, including, without limitation, money received by this State to address the effects of the public health crisis caused by the COVID-19 pandemic, to administer summer school pursuant to subsection 1 from the Department of Education. Any money remaining from the receipt of federal money pursuant to this subsection must not be committed for expenditure after December 31, 2021, and must be reverted to the appropriate fund or account ~~[, as identified by the Fiscal Analysis Division of the Legislative Counsel Bureau,]~~ on or before that date.

Sec. 2. 1. On or before October 31, 2021, the board of trustees of each school district and the State Public Charter School Authority shall submit to the Superintendent of Public Instruction a report on any plan to address any loss of learning developed pursuant to section 1 of this act. On or before November 30, 2021, the Superintendent of Public Instruction shall submit a compilation of the reports it receives pursuant to this subsection to:

- (a) The Fiscal Analysis Division of the Legislative Counsel Bureau;
- (b) The Governor;
- (c) The Interim Finance Committee; and
- (d) The Legislative Committee on Education.

2. The report submitted pursuant to subsection 1 must, without limitation:

- (a) Identify the results of summer school provided to pupils pursuant to section 1 of this act;
- (b) Outline the amount of federal money received and how federal, state and local money was used to administer summer school;
- (c) State the number of pupils who attended summer school in-person;
- (d) State the number of pupils who attended summer school through a program of virtual learning;
- (e) State the number of pupils who used transportation services;
- (f) State the number of pupils who received school breakfast or school lunch; and
- (g) Identify separately for pupils who attended summer school in-person and pupils who attended summer school through a program of virtual learning:
 - (1) One or more measures of pupil achievement, as determined by the Department of Education; and
 - (2) The attendance of the pupils.

Sec. 3. This act becomes effective upon passage and approval ~~and~~ and expires by limitation on January 1, 2022.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 131 to Senate Bill No. 173 removes the requirement that the Fiscal Analysis Division of the Legislative Counsel Bureau identify the appropriate fund or account where funds must be reverted to on or before December 31, 2021. It adds that the bill's provisions expire by limitation on January 1, 2022.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 200.

Bill read second time and ordered to third reading.

Senate Bill No. 311.

Bill read second time and ordered to third reading.

Senate Bill No. 364.

Bill read second time and ordered to third reading.

Assembly Bill No. 62.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bill No. 200 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 14.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 14 requires the Division of Emergency Management of the Department of Public Safety to post its guide regarding the preparation of emergency response plans on its website. It requires that a copy of the guide be provided to certain persons or entities only upon request. In addition, Senate Bill No. 14 requires the Division to coordinate with the Public Utilities Commission of Nevada, the Division of Environmental Protection of the State Department of Conservation and Natural Resources and the Office of Energy of the Office of the Governor to annually compile a list of each utility and provider of new electric resources required to submit a vulnerability assessment and an emergency response plan.

Roll call on Senate Bill No. 14:

YEAS—21.

NAYS—None.

Senate Bill No. 14 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 32.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 32 eliminates the requirement that the Director of the Department of Corrections establish therapeutic communities for offenders with substance use disorders. Instead,

the Director is required to establish treatment programs for offenders with substance use or co-occurring disorders. The bill authorizes, rather than requires, the Director to segregate offenders who are assigned to treatment programs from those who are not assigned to them. It authorizes offenders assigned to such programs to be taken outside a correctional institution or facility for treatment. Senate Bill No. 32 revises the required period of participation in a program of treatment or aftercare from one year to a minimum of five months for treatment and a minimum of three months for aftercare, as appropriate.

Roll call on Senate Bill No. 32:

YEAS—21.

NAYS—None.

Senate Bill No. 32 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 38.

Bill read third time.

Remarks by Senators Dondero Loop, Pickard and Ohrenschall.

SENATOR DONDERO LOOP:

Senate Bill No. 38 authorizes the Attorney General, or any other officer, agency or employee of the Executive Department, to enter into a *pro bono* contract with an attorney or law firm engaged in private practice for legal services, if the Attorney General determines that the provision of such legal services is necessary. The bill requires the Attorney General to retain final authority over the course and conduct of any matter that is the subject of a *pro bono* contract. It provides that any law firm or attorney offering *pro bono* legal services is deemed ineligible for outside counsel contracts with the Office of the Attorney General for a period of one year from the end date of the *pro bono* contract. The bill delineates certain requirements associated with such *pro bono* contracts.

SENATOR PICKARD:

Over the weekend, I was talking to some attorney friends who felt the bill suggests that the Attorney General needs this authorization in order to obtain certain subject matter expertise and advice on things they may not normally deal with in that office. They raised the question of a potential for money changing hands. My understanding is that this bill is simply to allow the Attorney General's office to obtain advice from outside counsel without charge, and that there is to be no diversion of the money or charges for services rendered that would require the Attorney General to spend or transfer money to another lawyer or legal office. Can you confirm this?

SENATOR OHRENSCHALL:

As I read Senate Bill No. 38, it applies to *pro bono* contracts. It applies to practitioners who have expertise and want to donate this to the Attorney General's office and the State. The First Assistant Attorney General, Kyle George, testified at the hearing on February 8 that some areas, such as antitrust and bankruptcy, are not those practiced by many of the Deputy Attorney Generals. There are times they need assistance, and they want to make sure, with this legislation, that things like cooling-off periods and confidentiality would be as applicable to *pro bono* attorneys as they would be for someone who is contracted for hire. This is applicable to those *pro bono* contracts.

SENATOR PICKARD:

I wanted to make sure the record is clear that, even though this will be a contract for service, it will not be a contract for hire, and no money will be changing hands.

Roll call on Senate Bill No. 38:

YEAS—19.

NAYS—Buck, Hansen—2.

Senate Bill No. 38 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 68.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 54.

SUMMARY—Revises provisions governing public investments. (BDR 31-399)

AN ACT relating to public financial administration; revising provisions governing the investment of certain money held by the State; increasing the maximum amount of money the State Treasurer is authorized to transfer from the State Permanent School Fund to a corporation for public benefit to provide private equity funding to certain businesses; revising provisions governing the guarantee of bonds of school districts with money from the State Permanent School Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally prescribes the bonds and other securities that are proper and lawful investments of the State's ~~General Portfolio~~ money and, with one exception, prohibits investment of such money in a reverse-repurchase agreement. (NRS 355.140) Section 1 of this bill eliminates the prohibition against investment of this money in a reverse-repurchase agreement. Section 1 authorizes the State Treasurer to invest such money in a reverse-repurchase agreement on the condition that: (1) the appointed custodian is only authorized to transfer the securities underlying the reverse-repurchase agreement at or after the time at which the money to pay the purchase price is transferred to the custodian; (2) the date on which the State commits to repurchase a security purchased by a counterparty or securities of the same issuer, description, issue date and maturity is not more than 90 days after the date on which the counterparty purchased the securities from the State; and (3) the money received by the appointed custodian is used by the State only to purchase securities whose maturity matches or is not longer than the term of the reverse-repurchase agreement.

Existing law charges the State Treasurer with the investment of the money in the State Permanent School Fund. (NRS 355.050) If there is a sufficient amount of uninvested money in the Fund, existing law requires the State Treasurer to negotiate for the investment of the money. However, the State Treasurer is prohibited under existing law from making certain investments unless he or she obtains a judicial determination that such an investment does not violate the prohibition in the Nevada Constitution against the State of Nevada donating or loaning state money or credit, or subscribing to or being

interested in the stock of any company, association or corporation, except a corporation that is formed for educational or charitable purposes. (Nev. Const. Art. 8, § 9; NRS 355.060) Upon such a judicial determination, existing law authorizes the State Treasurer to transfer up to \$50,000,000 from the State Permanent School Fund to a corporation for public benefit to provide private equity funding to businesses engaged in certain industries that are located or seeking to locate in Nevada. (NRS 355.270, 355.280) On April 20, 2011, the State Treasurer obtained a judicial determination that investment of money contained in the State Permanent School Fund in the common or preferred stock of a corporation did not violate Section 9 of Article 8 of the Nevada Constitution. (*In re State Treasurer*, No. 11 OC 00092 1B (Nev. First Jud. Dist. Ct. Apr. 20, 2011)) Section 2 of this bill increases the maximum amount of money the State Treasurer is authorized to transfer from the State Permanent School Fund to the corporation for public benefit to provide such private equity funding from \$50,000,000 to \$75,000,000.

Existing law authorizes the board of trustees of a school district to apply to the State Treasurer for a guarantee agreement whereby money in the State Permanent School Fund may be used to guarantee the payment of the debt service on bonds to be issued by the school district. Under existing law, the State Treasurer is authorized to use money in the State Permanent School Fund to guarantee up to \$40,000,000 in bonds issued by a school district at any one time. (NRS 387.516) Section 3 of this bill increases the maximum allowable amount of outstanding bonds of a school district that may be so guaranteed to \$60,000,000.

Upon receipt of an application for such a guarantee agreement from a school district, existing law requires the State Treasurer to provide a copy of the application to the Executive Director of the Department of Taxation. The Executive Director is required under existing law to: (1) investigate the ability of the school district to make timely payments on the debt service of the bonds for which the guarantee is requested; and (2) submit a written report of the investigation to the State Board of Finance concerning the opinion of the Executive Director as to whether the school district has the ability to make timely payments on the debt service of the bonds. (NRS 387.516) Existing law prescribes certain conditions under which the State Treasurer is authorized to enter into the guarantee agreement, including a requirement that the State Board of Finance approve the report submitted to it by the Executive Director. (NRS 387.519) Section 4 of this bill makes an exception to the requirement that the State Board of Finance approve the report if: (1) the bonds proposed to be guaranteed are being issued solely to refund bonds that had been guaranteed in the same manner; and (2) the total principal and interest due in any year on the bonds proposed to be guaranteed does not exceed the total principal and interest due in that year on the bonds being refunded.

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

Section 1. NRS 355.140 is hereby amended to read as follows:

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

- (a) Bonds and certificates of the United States;
- (b) Bonds, notes, debentures and loans if they are underwritten by or their payment is guaranteed by the United States;
- (c) Obligations or certificates of the United States Postal Service, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Agricultural Mortgage Corporation, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation or the Student Loan Marketing Association, whether or not guaranteed by the United States;
- (d) Bonds of this state or other states of the Union;
- (e) Bonds of any county of this state or of other states;
- (f) Bonds of incorporated cities in this state or in other states of the Union, including special assessment district bonds if those bonds provide that any deficiencies in the proceeds to pay the bonds are to be paid from the general fund of the incorporated city;
- (g) General obligation bonds of irrigation districts and drainage districts in this state which are liens upon the property within those districts, if the value of the property is found by the board or commission making the investments to render the bonds financially sound over all other obligations of the districts;
- (h) Bonds of school districts within this state;
- (i) Bonds of any general improvement district whose population is 200,000 or more and which is situated in two or more counties of this state or of any other state, if:
 - (1) The bonds are general obligation bonds and constitute a lien upon the property within the district which is subject to taxation; and
 - (2) That property is of an assessed valuation of not less than five times the amount of the bonded indebtedness of the district;
- (j) Medium-term obligations for counties, cities and school districts authorized pursuant to chapter 350 of NRS;
- (k) Loans bearing interest at a rate determined by the State Board of Finance when secured by first mortgages on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, and of unexceptional title and free from all encumbrances;
- (l) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other

obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, excluding such money thereof as has been received or which may be received hereafter from the Federal Government or received pursuant to some federal law which governs the investment thereof;

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

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

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

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

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

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

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

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

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

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

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

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

(1) Is denominated in United States dollars;
 (2) Is a senior unsecured unsubordinated obligation;
 (3) At the time of purchase has a remaining term to maturity of 5 years or less; and

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

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

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

(1) Is denominated in United States dollars;
 (2) Is a senior unsecured unsubordinated obligation;
 (3) Is registered with the Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., as amended;

(4) Is publicly traded;
 (5) Is purchased from a registered broker-dealer;
 (6) At the time of purchase has a remaining term to maturity of 5 years or less; and

(7) Is rated by a nationally recognized rating service as “AA” or its equivalent, or better,

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

(s) Money market mutual funds which:

(1) Are registered with the Securities and Exchange Commission;
 (2) Are rated by a nationally recognized rating service as “AAA” or its equivalent; and

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

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

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

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

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

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

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

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

(b) In all repurchase agreements:

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

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

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

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

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

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

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

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

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

(c) In all reverse-repurchase agreements:

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

(2) The date on which the State commits to repurchase a security purchased by a counterparty or securities of the same issuer, description, issue

date and maturity must not be more than 90 days after the date on which the counterparty purchased the securities from the State; and

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

3. As used in ~~[subsection 2.]~~ this section:

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

(1) A registered broker-dealer;

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

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

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

~~[4. No money of this state may be invested pursuant to a reverse repurchase agreement, except money invested pursuant to chapter 286 of NRS.]~~

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

Sec. 2. NRS 355.280 is hereby amended to read as follows:

355.280 If the State Treasurer obtains the judicial determination required by subsection 3 of NRS 355.060, the State Treasurer may transfer an amount not to exceed ~~[\$50 million]~~ \$75,000,000 from the State Permanent School Fund to the corporation for public benefit. Such a transfer must be made pursuant to an agreement that requires the corporation for public benefit to:

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

2. Ensure that at least 70 percent of all private equity funding provided by the corporation for public benefit is provided to businesses:

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

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

(1) Health care and life sciences.

(2) Cyber security.

(3) Homeland security and defense.

(4) Alternative energy.

(5) Advanced materials and manufacturing.

(6) Information technology.

(7) Any other industry that the board of directors of the corporation for public benefit determines will likely meet the targets for investment returns

established by the corporation for public benefit for investments authorized by NRS 355.250 to 355.285, inclusive, and comply with sound fiduciary principles.

Sec. 3. NRS 387.516 is hereby amended to read as follows:

387.516 1. The board of trustees of a school district may apply to the State Treasurer for a guarantee agreement whereby money in the State Permanent School Fund is used to guarantee the payment of the debt service on bonds that the school district will issue. The amount of the guarantee for bonds of each school district outstanding at any one time must not exceed ~~[\$40,000,000.]~~ \$60,000,000.

2. The application must be on a form prescribed by the State Treasurer. The State Treasurer shall develop the form in consultation with the Executive Director.

3. Medium-term obligations entered into pursuant to the provisions of NRS 350.087 to 350.095, inclusive, are not eligible for guarantee pursuant to NRS 387.513 to 387.528, inclusive.

4. Upon receipt of an application for a guarantee agreement from a school district, the State Treasurer shall provide a copy of the application and any supporting documentation to the Executive Director. As soon as practicable after receipt of a copy of an application, the Executive Director shall investigate the ability of the school district to make timely payments on the debt service of the bonds for which the guarantee is requested. The Executive Director shall submit a written report of the investigation to the State Board of Finance indicating his or her opinion as to whether the school district has the ability to make timely payments on the debt service of the bonds.

Sec. 4. NRS 387.519 is hereby amended to read as follows:

387.519 1. The State Treasurer may enter into a guarantee agreement if:
~~{1.}~~ (a) The report submitted by the Executive Director indicates that a school district has the ability to make timely payments on the debt service of the bonds;

~~{2.—The}~~

(b) *Except as otherwise provided in subsection 2, the State Board of Finance approves the report submitted by the Executive Director; and*

~~{3.}~~ (c) The State Treasurer has determined that the amount of bonds to be guaranteed under the agreement, in addition to the total amount of outstanding bonds guaranteed pursuant to NRS 387.513 to 387.528, inclusive, does not exceed the limitation established by subsection 1 of NRS 387.522.

2. *The requirement that the State Board of Finance approve the report submitted by the Executive Director set forth in paragraph (b) of subsection 1 does not apply if:*

(a) *The bonds proposed to be guaranteed are being issued solely to refund bonds that are guaranteed pursuant to NRS 387.513 to 387.528, inclusive; and*

(b) The total principal and interest due in any year on the bonds proposed to be guaranteed does not exceed the total principal and interest due in that year on the bonds being refunded.

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

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

This amendment ensures that if the State Treasurer is to utilize his new authority to issue reverse-repurchase agreements, it is done for a specific purpose and not used to create leverage in the marketplace.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 141.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 141 removes the prospective June 30, 2021, expiration of the authority for public bodies to enter into contracts with construction managers at risk, therefore, making the authorization permanent. The bill expands the types of projects that are included in the definitions of "horizontal construction" and "vertical construction."

Roll call on Senate Bill No. 141:

YEAS—21.

NAYS—None.

Senate Bill No. 141 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 161.

Bill read third time.

Remarks by Senator Hansen.

Senate Bill No. 161 eliminates the Advisory Committee to Study Laws Concerning Sex Offender Registration and transfers its duties to the Advisory Commission on the Administration of Justice. Any funds remaining in the Committee's account are also transferred to the Commission.

Roll call on Senate Bill No. 161:

YEAS—21.

NAYS—None.

Senate Bill No. 161 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 248.

Bill read third time.

Remarks by Senators Dondero Loop and Pickard.

SENATOR DONDERO LOOP:

Senate Bill No. 248 requires a collection agency to provide written notice to a person who owes a medical debt at least 60 days before taking any action to collect. The bill also prohibits a

collection agency or its manager, agents or employees from engaging in certain practices relating to the collection of a medical debt.

SENATOR PICKARD:

It is laudable to try to add perceived protections for consumers. The reality, in this case, is that consumers are already notified and this further burdens the collection of debt for medical providers. That is only going to work to drive-up ultimate costs. I will be a "no" on this bill.

Roll call on Senate Bill No. 248:

YEAS—19.

NAYS—Buck, Pickard—2.

Senate Bill No. 248 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 249.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 249 adds behavioral health to the list of conditions that would excuse a child from attending school and allows a qualified mental-health or behavioral-health professional to certify that a child is not able to attend school or that the child's attendance is inadvisable. The bill prohibits an excused absence due to a child's physical or mental condition or behavioral health from having a negative effect on a school's accountability rating. Finally, Senate Bill No. 249 requires the board of trustees of a school district or the governing body of a charter school to ensure that the back of any identification card for a pupil includes mental-health resource information.

Roll call on Senate Bill No. 249:

YEAS—21.

NAYS—None.

Senate Bill No. 249 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 362.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 362 authorizes a regional transportation commission in Clark County to provide microtransit services as part of its public-transit system. The bill also repeals a requirement that the regional transportation commission in Clark County receive certain determinations from the Nevada Transportation Authority before it may operate an on-call public-transit system.

Roll call on Senate Bill No. 362:

YEAS—21.

NAYS—None.

Senate Bill No. 362 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

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

Senate in recess at 12:39 p.m.

SENATE IN SESSION

At 12:44 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 11.

Resolution read.

Remarks by Senator Spearman.

Senate Joint Resolution No. 11 expresses the Nevada Legislature's support of the elimination of discrimination against women and urges the United States Congress to ratify the Convention on the Elimination of all Forms of Discrimination Against Women.

Roll call on Senate Joint Resolution No. 11:

YEAS—18.

NAYS—Hansen, Pickard, Settelmeyer—3.

Senate Joint Resolution No. 11 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

Senate Joint Resolution No. 12.

Resolution read.

Remarks by Senator Hammond.

Senate Joint Resolution No. 12 recognizes the completion of the Tahoe East Shore Trail extension and its associated safety, transit, environmental and visitor improvements as a priority. The resolution urges the United States Congress to provide the necessary federal funding for implementing these remaining elements of the State Route 28 National Scenic Byway Corridor Management Plan.

Roll call on Senate Joint Resolution No. 12:

YEAS—21.

NAYS—None.

Senate Joint Resolution No. 12 having received a constitutional majority, Madam President declared it passed.

Resolution ordered transmitted to the Assembly.

SECOND READING AND AMENDMENT

Senate Bill No. 45.

Bill read second time.

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

Amendment No. 69.

SUMMARY—Revises provisions relating to crimes. (BDR 18-421)

AN ACT relating to crimes; changing the name and duties of the Ombudsman for Domestic Violence; ~~changing the name of the Account for Programs Related to Domestic Violence;~~ changing the ~~[name,]~~ duties and

composition of the Committee on Domestic Violence; ~~increasing~~ revising the ~~minimum~~ penalty for a battery which constitutes domestic violence against a pregnant person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Ombudsman for Victims of Domestic Violence within the Office of the Attorney General and prescribes the qualifications and duties of the Ombudsman. (NRS 228.440, 228.450) This bill revises the name, qualifications and duties of the Ombudsman and the Office to expand the scope of the Ombudsman and the Office to include the crimes of sexual assault and human trafficking and amends corresponding references accordingly.

Section 1 of this bill: (1) renames the Office as the Office of Ombudsman for Victims of Domestic Violence, Sexual Assault and Human Trafficking; and (2) revises the existing qualifications of the Ombudsman to include the requirement to have knowledge regarding sexual assault and human trafficking. (NRS 228.440) Section 3 of this bill makes a conforming change to reflect the changed name.

Section 2 of this bill: (1) revises the requirement imposed upon the Ombudsman to prepare quarterly reports relating to domestic violence to include sexual assault and human trafficking within the scope of the report; (2) requires the Ombudsman to provide assistance to victims of sexual assault and human trafficking; and (3) requires the Ombudsman to provide education to the public regarding sexual assault and human trafficking. (NRS 228.450) ~~[Existing law creates the Account for Programs Related to Domestic Violence in the State General Fund, requires the Ombudsman to administer the Account and sets forth the purposes for which the Ombudsman may expend money in the Account. (NRS 228.460) Existing law also provides that if a court finds that a person is guilty of committing an act which constitutes domestic violence, the court is required to order the person to pay a fee of \$35, which must be credited to the Account. (NRS 176.094) Section 3 of this bill changes the name of the Account to include reference to sexual assault and human trafficking, and sections 5 and 6 of this bill make a corresponding change to reflect the changed name.]~~

Existing law creates the Committee on Domestic Violence, whose members are appointed by the Attorney General, and sets forth the duties of the Committee. (NRS 228.470) Section 4 of this bill: (1) ~~renames the Committee as the Committee on Domestic Violence, Sexual Assault and Human Trafficking;~~ (2) ~~revises the duties of the Committee to include reference to sexual assault and human trafficking;~~ (3) ~~adds two additional members to the Committee, one of whom is a representative from the Office of the Court Administrator and one of whom is a representative appointed by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services;~~ ~~and (4)~~ (2) eliminates the provision that requires the Committee to review programs for the treatment of

persons who commit domestic violence and a corresponding subcommittee assigned to perform that review ~~[-]~~; and (3) requires the Committee to study issues relating to domestic violence.

Existing law provides that if a person is convicted of a first offense of battery which constitutes domestic violence against a victim who was pregnant at the time of the battery, the person is guilty of a gross misdemeanor, punishable by imprisonment in the county jail for not more than 364 days, or by a maximum fine of \$2,000, or by both fine and imprisonment. (NRS 193.140, 200.485) Section 7 of this bill provides that for such an offense, a person must be imprisoned for not less than ~~[-]~~ 30 days but not more than ~~[-]~~ 6 months in the county jail, may be further punished by a fine of not less than ~~[-]~~ \$500, but not more than ~~[-]~~ \$1,000, and must participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at his or her expense. Section 6 of this bill makes a conforming change to reflect the changes in section 7.

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

Section 1. NRS 228.440 is hereby amended to read as follows:

228.440 1. The Office of Ombudsman for Victims of Domestic Violence , *Sexual Assault and Human Trafficking* is hereby created within the Office of the Attorney General.

2. The Attorney General shall appoint a person to serve in the position of Ombudsman for a term of 4 years. The person so appointed:

- (a) Must be knowledgeable about the legal and societal aspects of domestic violence ~~[-]~~, *sexual assault and human trafficking*;
- (b) Is in the unclassified service of the State; and
- (c) Is not required to be an attorney.

3. The Attorney General may remove the Ombudsman from office for inefficiency, neglect of duty or malfeasance in office.

Sec. 2. NRS 228.450 is hereby amended to read as follows:

228.450 1. The Ombudsman for Victims of Domestic Violence , *Sexual Assault and Human Trafficking* shall:

(a) Prepare quarterly reports relating to victims of domestic violence , *sexual assault and human trafficking* from information collected from the Central Repository for Nevada Records of Criminal History, if any such information is available.

(b) Provide necessary assistance to victims of domestic violence ~~[-]~~, *sexual assault and human trafficking*.

(c) Provide education to the public concerning domestic violence, *sexual assault and human trafficking*, including, without limitation, the prevention of domestic violence, *sexual assault and human trafficking*, available assistance to victims of domestic violence , *sexual assault and human trafficking*, and available treatment for persons who commit domestic violence ~~[-]~~, *sexual assault and human trafficking*.

(d) Perform such other tasks as are necessary to carry out the duties and functions of his or her office.

2. Except as otherwise provided in this subsection, information collected pursuant to paragraph (a) of subsection 1 is confidential and must not be disclosed to any person under any circumstances, including, without limitation, pursuant to a subpoena, search warrant or discovery proceeding. Such information may be used for statistical purposes if the identity of the person is not discernible from the information disclosed.

3. Any grant received by the Office of the Attorney General for assistance to victims of domestic violence, *sexual assault and human trafficking* may be used to compensate the Ombudsman for Victims of Domestic Violence ~~[-]~~, *Sexual Assault and Human Trafficking*.

Sec. 3. NRS 228.460 is hereby amended to read as follows:

228.460 1. The Account for Programs Related to Domestic Violence ~~[-]~~ *Sexual Assault and Human Trafficking* is hereby created in the State General Fund. Any fee imposed and collected pursuant to NRS 176.094 must be deposited with the State Controller for credit to the Account.

2. The Ombudsman for Victims of Domestic Violence ~~[-]~~, *Sexual Assault and Human Trafficking*:

(a) Shall administer the Account for Programs Related to Domestic Violence ~~[-]~~ *Sexual Assault and Human Trafficking*; and

(b) May expend money in the Account only to pay for expenses related to:

(1) The Committee;

(2) Training law enforcement officers, attorneys and members of the judicial system about domestic violence ~~[-]~~ *sexual assault and human trafficking*;

(3) Assisting victims of domestic violence ~~[-]~~ *sexual assault and human trafficking* and educating the public concerning domestic violence ~~[-]~~ *sexual assault and human trafficking*; and

(4) Carrying out the duties and functions of his or her office.

3. All claims against the Account for Programs Related to Domestic Violence ~~[-]~~ *Sexual Assault and Human Trafficking* must be paid as other claims against the State are paid.

Sec. 4. NRS 228.470 is hereby amended to read as follows:

228.470 1. The ~~[-]~~ *Attorney General shall appoint a* Committee on Domestic Violence ~~[-]~~ *Sexual Assault and Human Trafficking* is hereby created. The Committee is comprised of the Attorney General or a designee of the Attorney General and:

(a) *The following members appointed by the Attorney General:*

(1) One staff member of a program for victims of domestic violence ~~[-]~~

~~[-]~~ *sexual assault and human trafficking*;

(2) One staff member of a program for the treatment of persons who commit domestic violence ~~[-]~~

~~[-]~~ *sexual assault and human trafficking*;

(3) One representative from an office of the district attorney with experience in prosecuting criminal offenses;

~~[(d)]~~ (4) One representative from an office of the city attorney with experience in prosecuting criminal offenses;

~~[(e)]~~ (5) One law enforcement officer;

~~[(f)]~~ (6) One provider of mental health care;

~~[(g)]~~ (7) Two ~~[victims]~~ survivors of domestic violence ;

~~[(h)]~~ ~~sexual assault or human trafficking;~~

(8) One justice of the peace or municipal judge;

(9) *One representative from the Office of Court Administrator;* and

~~[(i)]~~ (10) Any other person appointed by the Attorney General.

(b) One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services, who is appointed by the Administrator of the Division and who has experience related to the certification of programs for the treatment of persons who commit domestic violence. ~~sexual assault or human trafficking;~~

↪ Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years. At least two members of the Committee must be residents of a county whose population is less than 100,000.

2. The Committee shall:

(a) Increase awareness of the existence and unacceptability of domestic violence ~~sexual assault and human trafficking~~ in this State;

(b) ~~Review programs for the treatment of persons who commit domestic violence and make recommendations to the Division of Public and Behavioral Health of the Department of Health and Human Services for the certification of such programs pursuant to NRS 439.258;~~

~~[(e)]~~ Review and evaluate existing programs provided to peace officers for training related to domestic violence ~~sexual assault and human trafficking~~ and make recommendations to the Peace Officers' Standards and Training Commission regarding such training;

~~[(d)]~~ (c) To the extent that money is available, provide financial support to programs for the prevention of domestic violence ~~sexual assault and human trafficking~~ in this State;

~~[(e)]~~ (d) Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence, ~~sexual assault and human trafficking~~ including, without limitation, the availability of counseling services; ~~and~~

~~[(f)]~~ (e) Study issues that relate to domestic violence, including, without limitation, the intersections between domestic violence and sexual assault and domestic violence and human trafficking; and

(f) Submit on or before March 1 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. In preparing the report, the Committee shall solicit

comments and recommendations from district judges, municipal judges and justices of the peace in rural Nevada. The report must include, without limitation:

(1) A summary of the work of the Committee and recommendations for any necessary legislation concerning domestic violence; ~~sexual assault and human trafficking;~~ and

(2) All comments and recommendations received by the Committee.

3. ~~The Attorney General shall appoint a subcommittee of members of the Committee to carry out the duties prescribed in paragraph (b) of subsection 2-4.~~ The Attorney General or the designee of the Attorney General is the Chair of the Committee.

~~5.~~ 4. The Committee shall annually elect a Vice Chair ~~Secretary and Treasurer~~ from among its members.

~~6.~~ 5. The Committee shall meet regularly at least three times in each calendar year and may meet at other times upon the call of the Chair. ~~Any six members of the Committee constitute a quorum. A majority vote of the quorum is required to take action with respect to any matter.~~

~~7.~~ 6. At least one meeting in each calendar year must be held at a location within the Fourth Judicial District, Fifth Judicial District, Sixth Judicial District, Seventh Judicial District or Eleventh Judicial District.

~~8.~~ 7. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.

~~9.~~ 8. While engaged in the business of the Committee, each member and employee of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~10.~~ 9. The Committee may adopt regulations necessary to carry out its duties pursuant to NRS 228.470 to 228.497, inclusive.

Sec. 5. ~~NRS 228.490 is hereby amended to read as follows:
228.490 The Committee may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to NRS 228.470. Any money that the Committee receives pursuant to this section must be deposited in and accounted for separately in the Account for Programs Related to Domestic Violence, Sexual Assault and Human Trafficking created pursuant to NRS 228.460 for use by the Committee in carrying out its duties.~~ (Deleted by amendment.)

Sec. 6. NRS 176.094 is hereby amended to read as follows:

176.094 In addition to any other fine or penalty, if the court finds that a person is guilty of committing an act which constitutes domestic violence pursuant to NRS 33.018, the court shall:

1. Enter a finding of fact in the judgment of conviction.
2. Order the person to pay a fee of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs

Related to Domestic Violence ~~[Sexual Assault and Human Trafficking]~~ established pursuant to NRS 228.460.

3. ~~[Require]~~ Except as otherwise provided in subsection 4 of NRS 200.485, require for the:

(a) First offense within 7 years of any act which constitutes domestic violence, the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or

(b) Second offense within 7 years of any act which constitutes domestic violence, the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

Sec. 7. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsections 2 to 5, inclusive, or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be ~~[sentenced to:]~~ punished by:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be ~~[sentenced to:]~~ punished by:

(1) Imprisonment in the city or county jail or detention facility for not less than 20 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must not be less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(c) For the third offense within 7 years, 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 less than \$1,000, but not more than \$5,000.

2. Unless a greater penalty is provided pursuant to subsection 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:

(a) A felony that constitutes domestic violence pursuant to NRS 33.018;

(b) A battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed with the use of a deadly weapon as described in NRS 200.481; or

(c) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a) or (b),

↪ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 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 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$2,000, but not more than \$5,000.

4. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant:

(a) For the first offense, is guilty of a gross misdemeanor ~~[.]~~ and shall be punished by imprisonment in the county jail for not less than ~~60~~ 30 days but not more than ~~364 days,~~ 6 months, and may be further punished by a fine of not less than ~~\$1,000,~~ \$500, but not more than ~~\$3,000,~~ \$1,000. In addition to any other penalty, the court shall require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258. If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

(b) For the second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison of 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 less than \$1,000, but not more than \$5,000.

5. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery causes substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison of 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 less than \$1,000, but not more than \$5,000.

6. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, *other than a battery described in subsection 4*, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

➔ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

7. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➔ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a), (b) or (c) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged

to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

8. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for an alcohol or other substance use disorder that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

9. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

10. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. Except as otherwise provided in this subsection, a court shall not grant probation to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such a person:

(a) As set forth in NRS 4.373 and 5.055; or

(b) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.

11. In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

12. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm 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. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is 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.

13. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

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

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 8. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

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

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

Sec. 9. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name has been changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 10. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 69 to Senate Bill No. 45 removes reference to "sexual assault and human trafficking" regarding the name of the Account for Programs Related to Domestic Violence and certain authorized expenditures of the Account. It removes change to the name of the Committee on Domestic Violence and makes conforming changes to several listed duties of the Committee. It revises the punishment and fine for a person convicted of a first offense of battery against a pregnant victim.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading..

Senate Bill No. 49.

Bill read second time.

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

Amendment No. 49.

SUMMARY—Revises provisions relating to cannabis. (BDR 56-268)

AN ACT relating to cannabis; authorizing the Cannabis Compliance Board to employ the services of persons the Board considers necessary for the purposes of hearing disciplinary proceedings; authorizing the Executive Director of the Board to serve a complaint on a respondent who is subject to a disciplinary proceeding; authorizing the Chair of the Board to grant one or more extensions to certain deadlines for holding a hearing; removing authorization for the ~~[Cannabis Compliance]~~ Board to take testimony by deposition in hearings before the Board; revising provisions governing a regulatory waiver to the registration requirement for holders of an ownership interest of less than 5 percent in a cannabis establishment; changing the labeling requirement for cannabis products; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants the Cannabis Compliance Board certain powers. (NRS 678A.440) Section 1 of this bill authorizes the Board to employ the services of such persons it considers necessary for the purposes of hearing disciplinary proceedings. Existing law requires the Board to serve the complaint upon a respondent that is subject to a disciplinary proceeding. (NRS 678A.520) Section 1.3 of this bill authorizes the Executive Director of the Board to serve the respondent with such a complaint. Existing law requires a disciplinary hearing to be held within 45 days after receiving the respondent's answer to a complaint unless an expedited hearing is determined to be appropriate by the Board. (NRS 678A.520) Section 1.3 authorizes the Chair of the Board to grant one or more extensions to the 45-day requirement pursuant to a request of a party or an agreement by both parties.

Existing law allows for testimony provided by witnesses appearing at a hearing before the ~~[Cannabis Compliance]~~ Board to be taken by deposition in the manner provided by the Nevada Rules of Civil Procedure. (NRS 678A.530) Section ~~1.1~~ 1.7 of this bill removes the authorization for the

Board to take the testimony of a witness by deposition in hearings before the Board.

Existing law requires a person who owns an ownership interest in a cannabis establishment of less than 5 percent to register with the Board. (NRS 678B.340) Existing law authorizes the Board to waive the registration requirement for such persons pursuant to policies and procedures adopted by regulation. (NRS 678A.450) Existing regulations of the Board establish the policies and procedures for waiving this requirement. (Nevada Cannabis Compliance Regulation 5.125) Section 2 of this bill clarifies existing law to reflect the authority of the Board to adopt policies and procedures that waive the registration requirement. (NRS 678A.450)

Existing law requires each cannabis establishment to ensure that all cannabis products offered for sale are labeled with the words “THIS IS A MEDICAL CANNABIS PRODUCT” or “THIS IS A CANNABIS PRODUCT.” (NRS 678B.520) Section 3 of this bill changes the labeling requirement to ensure that all cannabis products offered for sale are labeled with the words “THIS PRODUCT CONTAINS CANNABIS.”

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

Section 1. NRS 678A.440 is hereby amended to read as follows:

678A.440 In addition to any other powers granted by this title, the Board has the power to:

1. Enter into interlocal agreements pursuant to NRS 277.080 to 277.180, inclusive.
2. Establish and amend a plan of organization for the Board, including, without limitation, organizations of divisions or sections with leaders for such divisions or sections.
3. Appear on its own behalf before governmental agencies of the State or any of its political subdivisions.
4. Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this title.
5. Execute all instruments necessary or convenient for carrying out the provisions of this title.
6. Prepare, publish and distribute such studies, reports, bulletins and other materials as the Board deems appropriate.
7. Refer cases to the Attorney General for criminal prosecution.
8. Maintain an official Internet website for the Board.
9. Monitor federal activity regarding cannabis and report its findings to the Legislature.

10. Employ the services of such persons the Board considers necessary for the purposes of hearing disciplinary proceedings.

Sec. 1.3. NRS 678A.520 is hereby amended to read as follows:

678A.520 1. If the Board proceeds with disciplinary action pursuant to NRS 678A.510, the Board or the Executive Director shall serve a complaint

upon the respondent either personally, or by registered or certified mail at the address of the respondent that is on file with the Board. Such complaint must be a written statement of charges and must set forth in ordinary and concise language the acts or omissions with which the respondent is charged. The complaint must specify the statutes and regulations which the respondent is alleged to have violated, but must not consist merely of charges raised in the language of the statutes or regulations. The complaint must provide notice of the right of the respondent to request a hearing. The Chair of the Board may grant an extension to respond to the complaint for good cause.

2. Unless granted an extension, the respondent must answer within 20 days after the service of the complaint. In the answer the respondent:

- (a) Must state in short and plain terms the defenses to each claim asserted.
- (b) Must admit or deny the facts alleged in the complaint.
- (c) Must state which allegations the respondent is without knowledge or information to form a belief as to their truth. Such allegations shall be deemed denied.

(d) Must affirmatively set forth any matter which constitutes an avoidance or affirmative defense.

(e) May demand a hearing. Failure to demand a hearing constitutes a waiver of the right to a hearing and to judicial review of any decision or order of the Board, but the Board may order a hearing even if the respondent so waives his or her right.

3. Failure to answer or to appear at the hearing constitutes an admission by the respondent of all facts alleged in the complaint. The Board may take action based on such an admission and on other evidence without further notice to the respondent. If the Board takes action based on such an admission, the Board shall include in the record which evidence was the basis for the action.

4. The Board shall determine the time and place of the hearing as soon as is reasonably practical after receiving the respondent's answer. The Board shall deliver or send by registered or certified mail a notice of hearing to all parties at least 10 days before the hearing. The hearing must be held within 45 days after receiving the respondent's answer unless an expedited hearing is determined to be appropriate by the Board, in which event the hearing must be held as soon as practicable. The Chair of the Board may grant one or more extensions to the 45-day requirement pursuant to a request of a party or an agreement by both parties.

~~Section 1.7.~~ Sec. 1.7. NRS 678A.530 is hereby amended to read as follows:

678A.530 ~~1.7.~~ Before a hearing before the Board, and during a hearing upon reasonable cause shown, the Board shall issue subpoenas and subpoenas duces tecum at the request of a party. All witnesses appearing pursuant to subpoena, other than parties, officers or employees of the State of Nevada or any political subdivision thereof, are entitled to receive fees and mileage in the same amounts and under the same circumstances as provided by law for

witnesses in civil actions in the district courts. Witnesses entitled to fees or mileage who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day are entitled, in addition to witness fees and in lieu of mileage, to the per diem compensation for subsistence and transportation authorized for state officers and employees for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearings. Fees, subsistence and transportation expenses must be paid by the party at whose request the witness is subpoenaed. The Board may award as costs the amount of all such expenses to the prevailing party.

~~{2.—The testimony of any material witness residing within or without the State of Nevada may be taken by deposition in the manner provided by the Nevada Rules of Civil Procedure.}~~

Sec. 2. NRS 678B.340 is hereby amended to read as follows:

678B.340 1. Except as otherwise provided in ~~{this section,}~~ *any policies and procedures adopted by the Board pursuant to paragraph (e) of subsection 1 of NRS 678A.450*, a person shall not hold an ownership interest in a cannabis establishment of less than 5 percent, volunteer or work at, contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment as a cannabis establishment agent unless the person is registered with the Board pursuant to this section.

2. A person who wishes to volunteer or work at a cannabis establishment shall submit to the Board an application on a form prescribed by the Board. The application must be accompanied by:

- (a) The name, address and date of birth of the prospective cannabis establishment agent;
- (b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;
- (c) A statement signed by the prospective cannabis establishment agent asserting that he or she has not previously had a cannabis establishment agent registration card revoked;
- (d) The application fee, as set forth in NRS 678B.390; and
- (e) Such other information as the Board may require by regulation.

3. A person who wishes to contract to provide labor to or be employed by an independent contractor to provide labor to a cannabis establishment shall submit to the Board an application on a form prescribed by the Board for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a cannabis establishment agent. The application must be accompanied by:

- (a) The name, address and, if the prospective cannabis establishment agent has a state business license, the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent;

(c) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to, or allow any of its employees to dispense or otherwise divert cannabis to, any person who is not authorized to possess cannabis in accordance with the provisions of this title;

(d) A statement signed by the prospective cannabis establishment agent asserting that it has not previously had a cannabis establishment agent registration card revoked and that none of its employees who will provide labor as a cannabis establishment agent have previously had a cannabis establishment agent registration card revoked;

(e) The application fee, as set forth in NRS 678B.390; and

(f) Such other information as the Board may require by regulation.

4. ~~4A~~ *Except as otherwise provided in any policies and procedures adopted by the Board pursuant to paragraph (e) of subsection 1 of NRS 678A.450, a person who wishes to hold an ownership interest in a cannabis establishment of less than 5 percent shall submit to the Board an application on a form prescribed by the Board. The application must be accompanied by:*

(a) The name, address and date of birth of the prospective cannabis establishment agent;

(b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;

(c) A statement signed by the prospective cannabis establishment agent asserting that he or she has not previously had a cannabis establishment agent registration card revoked;

(d) Any information required by the Board to complete an investigation into the background of the prospective cannabis establishment agent, including, without limitation, financial records and other information relating to the business affairs of the prospective cannabis establishment agent;

(e) The application fee, as set forth in NRS 678B.390; and

(f) Such other information as the Board may require by regulation.

5. The Board may conduct any investigation of a prospective cannabis establishment agent and, for an independent contractor, each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent, that the Board deems appropriate. In connection with such an investigation, the Board may:

(a) Conduct or accept any background check the Board determines to be reliable and expedient to determine the criminal history of the prospective cannabis establishment agent or the employee;

(b) Require a prospective cannabis establishment agent, if a natural person, and each employee of a prospective cannabis establishment agent who will

provide labor as a cannabis establishment agent to submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) If the Board imposes the requirement described in paragraph (b), submit the fingerprints of the prospective cannabis establishment agent and each employee of the prospective cannabis establishment agent who will provide labor as a cannabis establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

6. A cannabis establishment shall notify the Board within 10 business days after a cannabis establishment agent ceases to hold an ownership interest in the cannabis establishment of less than 5 percent, be employed by, volunteer at or provide labor as a cannabis establishment agent to the cannabis establishment.

7. A person who:

(a) Has been convicted of an excluded felony offense;

(b) Is less than 21 years of age; or

(c) Is not qualified, in the determination of the Board pursuant to NRS 678B.200,

↪ shall not serve as a cannabis establishment agent.

8. The provisions of this section do not require a person who is an owner, officer or board member of a cannabis establishment to resubmit information already furnished to the Board at the time the establishment was licensed with the Board.

9. If an applicant for registration as a cannabis establishment agent satisfies the requirements of this section, is found to be qualified by the Board pursuant to NRS 678B.200 and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Board shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a cannabis establishment agent, a cannabis establishment agent registration card. If the Board does not act upon an application for a cannabis establishment agent registration card within 45 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Board acts upon the application. A cannabis establishment agent registration card expires 2 years after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

10. A person to whom a cannabis establishment agent registration card is issued or for whom such a registration card is renewed shall submit to the Board on the date of the first anniversary of the issuance or renewal an affidavit attesting that in the preceding year there has been no change in the information

previously provided to the Board which would subject the person to disciplinary action by the Board.

11. A cannabis establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any cannabis establishment in this State.

12. A cannabis establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a medical cannabis establishment authorizes the person to volunteer or work at any cannabis establishment in this State for which the category of the cannabis establishment agent registration card authorizes the person to volunteer or work.

13. Except as otherwise prescribed by regulation of the Board, an applicant for registration or renewal of registration as a cannabis establishment agent is deemed temporarily registered as a cannabis establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Board. A temporary registration as a cannabis establishment agent expires 45 days after the date upon which the application is received.

Sec. 3. NRS 678B.520 is hereby amended to read as follows:

678B.520 1. Each cannabis establishment shall, in consultation with the Board, cooperate to ensure that all cannabis products offered for sale:

(a) Are labeled clearly and unambiguously:

(1) As cannabis ~~[or medical cannabis]~~ with the words ~~["THIS IS A MEDICAL CANNABIS PRODUCT" or "THIS IS A CANNABIS PRODUCT," as applicable.]~~ **"THIS PRODUCT CONTAINS CANNABIS"** in bold type; and

(2) As required by the provisions of this chapter and chapters 678C and 678D of NRS.

(b) Are not presented in packaging that contains an image of a cartoon character, mascot, action figure, balloon or toy, except that such an item may appear in the logo of the cannabis production facility which produced the product.

(c) Are regulated and sold on the basis of the concentration of THC in the products and not by weight.

(d) Are packaged and labeled in such a manner as to allow tracking by way of an inventory control system.

(e) Are not packaged and labeled in a manner which is modeled after a brand of products primarily consumed by or marketed to children.

(f) Are labeled in a manner which indicates the amount of THC in the product, measured in milligrams, and includes a statement that the product contains cannabis and its potency was tested with an allowable variance of the amount determined by the Board by regulation.

(g) Are not labeled or marketed as candy.

2. A cannabis production facility shall not produce cannabis products in any form that:

- (a) Is or appears to be a lollipop.
- (b) Bears the likeness or contains characteristics of a real or fictional person, animal or fruit, including, without limitation, a caricature, cartoon or artistic rendering.
- (c) Is modeled after a brand of products primarily consumed by or marketed to children.
- (d) Is made by applying concentrated cannabis, as defined in NRS 453.042, to a commercially available candy or snack food item other than dried fruit, nuts or granola.

3. A cannabis production facility shall:

- (a) Seal any cannabis product that consists of cookies or brownies in a bag or other container which is not transparent.
- (b) Affix a label to each cannabis product which includes without limitation, in a manner which must not mislead consumers, the following information:
 - (1) The words “Keep out of reach of children”;
 - (2) A list of all ingredients used in the cannabis product;
 - (3) A list of all allergens in the cannabis product; and
 - (4) The total content of THC measured in milligrams.
- (c) Maintain a hand washing area with hot water, soap and disposable towels which is located away from any area in which cannabis products are cooked or otherwise prepared.
- (d) Require each person who handles cannabis products to restrain his or her hair, wear clean clothing and keep his or her fingernails neatly trimmed.
- (e) Package all cannabis products produced by the cannabis production facility on the premises of the cannabis production facility.

4. A cannabis establishment shall not engage in advertising that in any way makes cannabis or cannabis products appeal to children, including, without limitation, advertising which uses an image of a cartoon character, mascot, action figure, balloon, fruit or toy.

5. Each cannabis sales facility shall offer for sale containers for the storage of cannabis and cannabis products which lock and are designed to prohibit children from unlocking and opening the container.

6. A cannabis sales facility shall:

- (a) Include a written notification with each sale of cannabis or cannabis products which advises the purchaser:
 - (1) To keep cannabis and cannabis products out of the reach of children;
 - (2) That cannabis products can cause severe illness in children;
 - (3) That allowing children to ingest cannabis or cannabis products or storing cannabis or cannabis products in a location which is accessible to children may result in an investigation by an agency which provides child welfare services or criminal prosecution for child abuse or neglect;

(4) That the intoxicating effects of edible cannabis products may be delayed by 2 hours or more and users of edible cannabis products should initially ingest a small amount of the product, then wait at least 120 minutes before ingesting any additional amount of the product;

(5) That pregnant women should consult with a physician before ingesting cannabis or cannabis products;

(6) That ingesting cannabis or cannabis products with alcohol or other drugs, including prescription medication, may result in unpredictable levels of impairment and that a person should consult with a physician before doing so;

(7) That cannabis or cannabis products can impair concentration, coordination and judgment and a person should not operate a motor vehicle while under the influence of cannabis or cannabis products; and

(8) That ingestion of any amount of cannabis or cannabis products before driving may result in criminal prosecution for driving under the influence.

(b) Enclose all cannabis and cannabis products in opaque, child-resistant packaging upon sale.

7. A cannabis sales facility shall allow any person who is at least 21 years of age to enter the premises of the cannabis sales facility.

8. If the health authority, as defined in NRS 446.050, where a cannabis production facility or cannabis sales facility which sells edible cannabis products is located requires persons who handle food at a food establishment to obtain certification, the cannabis production facility or cannabis sales facility shall ensure that at least one employee maintains such certification.

9. A cannabis production facility may sell a commodity or product made using hemp, as defined in NRS 557.160, or containing cannabidiol to a cannabis sales facility.

10. In addition to any other product authorized by the provisions of this title, a cannabis sales facility may sell:

(a) Any commodity or product made using hemp, as defined in NRS 557.160;

(b) Any commodity or product containing cannabidiol with a THC concentration of not more than 0.3 percent; and

(c) Any other product specified by regulation of the Board.

11. A cannabis establishment:

(a) Shall not engage in advertising which contains any statement or illustration that:

(1) Is false or misleading;

(2) Promotes overconsumption of cannabis or cannabis products;

(3) Depicts the actual consumption of cannabis or cannabis products; or

(4) Depicts a child or other person who is less than 21 years of age consuming cannabis or cannabis products or objects suggesting the presence of a child, including, without limitation, toys, characters or cartoons, or contains any other depiction which is designed in any manner to be appealing

to or encourage consumption of cannabis or cannabis products by a person who is less than 21 years of age.

(b) Shall not advertise in any publication or on radio, television or any other medium if 30 percent or more of the audience of that medium is reasonably expected to be persons who are less than 21 years of age.

(c) Shall not place an advertisement:

(1) Within 1,000 feet of a public or private school, playground, public park or library, but may maintain such an advertisement if it was initially placed before the school, playground, public park or library was located within 1,000 feet of the location of the advertisement;

(2) On or inside of a motor vehicle used for public transportation or any shelter for public transportation;

(3) At a sports event to which persons who are less than 21 years of age are allowed entry; or

(4) At an entertainment event if it is reasonably estimated that 30 percent or more of the persons who will attend that event are less than 21 years of age.

(d) Shall not advertise or offer any cannabis or cannabis product as “free” or “donated” without a purchase.

(e) Shall ensure that all advertising by the cannabis establishment contains such warnings as may be prescribed by the Board, which must include, without limitation, the following words:

(1) “Keep out of reach of children”; and

(2) “For use only by adults 21 years of age and older.”

12. Nothing in subsection 11 shall be construed to prohibit a local government, pursuant to chapter 244, 268 or 278 of NRS, from adopting an ordinance for the regulation of advertising relating to cannabis which is more restrictive than the provisions of subsection 11 relating to:

(a) The number, location and size of signs, including, without limitation, any signs carried or displayed by a natural person;

(b) Handbills, pamphlets, cards or other types of advertisements that are distributed, excluding an advertisement placed in a newspaper of general circulation, trade publication or other form of print media;

(c) Any stationary or moving display that is located on or near the premises of a cannabis establishment; and

(d) The content of any advertisement used by a cannabis establishment if the ordinance sets forth specific prohibited content for such an advertisement.

13. If a cannabis establishment engages in advertising for which it is required to determine the percentage of persons who are less than 21 years of age and who may reasonably be expected to view or hear the advertisement, the cannabis establishment shall maintain documentation for not less than 5 years after the date on which the advertisement is first broadcasted, published or otherwise displayed that demonstrates the manner in which the cannabis establishment determined the reasonably expected age of the audience for that advertisement.

14. In addition to any other penalties provided for by law, the Board may impose a civil penalty upon a cannabis establishment that violates the provisions of subsection 11 or 13 as follows:

(a) For the first violation in the immediately preceding 2 years, a civil penalty not to exceed \$1,250.

(b) For the second violation in the immediately preceding 2 years, a civil penalty not to exceed \$2,500.

(c) For the third violation in the immediately preceding 2 years, a civil penalty not to exceed \$5,000.

(d) For the fourth violation in the immediately preceding 2 years, a civil penalty not to exceed \$10,000.

15. As used in this section, “motor vehicle used for public transportation” does not include a taxicab, as defined in NRS 706.124.

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

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 49 to Senate Bill No. 49 authorizes the Cannabis Compliance Board to employ the services of people it considers necessary for the purposes of hearing disciplinary proceedings. It authorizes the executive director of the Board to serve a complaint upon a respondent who is subject to a disciplinary proceeding. It also authorizes the chair of the Board to grant one or more extensions to the 45-day requirement within which disciplinary hearings must be held.

Conflict of interest declared by Senator Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 84.

Bill read second time and ordered to third reading.

Senate Bill No. 123.

Bill read second time.

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

Amendment No. 52.

SUMMARY—Revises provisions relating to the Nevada Silver Haired Legislative Forum. (BDR 38-6)

AN ACT relating to aging persons; revising qualifications relating to the membership of the Nevada Silver Haired Legislative Forum; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Nevada Silver Haired Legislative Forum to identify and act upon issues of importance to aging persons. (NRS 427A.320) The Forum consists of members appointed by the Legislative Commission from persons nominated by each member of the State Senate and the members of the Nevada delegation of the National Silver Haired Congress, who are ex officio members of the Forum. (NRS 427A.330, 427A.350) To qualify for appointment by the Commission as a member of the Forum, a person must:

(1) have been a resident of this State for 5 years immediately preceding the appointment; (2) have been a registered voter in the senatorial district of the Senator who made the nomination for 3 years immediately preceding the appointment; and (3) be at least 60 years of age on the day of the appointment. (NRS 427A.340) Section 1 of this bill revises the qualifications for such appointment by reducing the requirement for residency in this State from 5 years to ~~[1 year, or]~~ 6 months ~~[if the nominee is a member of the military,]~~ and reducing the requirement for residency in the senatorial district from 3 years to 30 days.

Existing law authorizes a member of the National Silver Haired Congress, who is an ex officio member of the Forum, to vote on a matter considered by the Forum if the member: (1) has been a resident of this State for 5 years immediately preceding the date of a meeting at which the Forum will vote on such a matter; and (2) is at least 60 years of age on that date. (NRS 427A.350) Section ~~[3]~~ 2 of this bill revises those qualifications to vote by reducing the requirement for residency in this State from 5 years to ~~[1 year, or]~~ 6 months ~~[if the ex officio member is a member of the military.]~~

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

Section 1. NRS 427A.340 is hereby amended to read as follows:

427A.340 ~~[1.]~~ To be eligible for appointment as a member of the Forum pursuant to NRS 427A.330, a person must:

- ~~1. ~~f(a)~~~~ Have been a resident of this state ~~for 5 years=~~
~~(1) For 1 year] 6 months~~ immediately preceding his or her appointment;
- ~~2. ~~for~~~~
~~(2) If he or she is a member of the military, for 6 months immediately preceding his or her appointment.~~
- ~~(b)~~ Have been a registered voter in the senatorial district of the Senator who nominated the member for ~~[3 years] 30 days~~ immediately preceding his or her appointment ~~[.]~~; and
- ~~3. ~~f(e)~~~~ Be at least 60 years of age on the day that he or she is appointed.

~~f2. As used in this section, "member of the military" means a person who is presently serving in the Armed Forces of the United States, a reserve component thereof or the National Guard.]~~

Sec. 2. NRS 427A.350 is hereby amended to read as follows:

427A.350 1. Members of the National Silver Haired Congress from this State shall serve as ex officio members of the Forum. If a member of the National Silver Haired Congress ceases to be a member of the National Silver Haired Congress, the ex officio membership of that person in the Forum terminates. Except as otherwise provided in this section and NRS 427A.370, an ex officio member of the Forum has the same rights and responsibilities as the members who are appointed pursuant to NRS 427A.330.

2. Except as otherwise provided in subsection 3, ex officio members of the Forum are nonvoting members.

3. A member of the National Silver Haired Congress from this State who is an ex officio member of the Forum may vote on a matter considered by the Forum if he or she ~~is on the date of a meeting at which the Forum will vote on a matter considered by the Forum;~~

(a) Has been a resident of this State for ~~5 years~~ 6 months immediately preceding the date of a meeting at which the Forum will vote on a matter considered by the Forum; ~~1 year or, if he or she is a member of the military, for the immediately preceding 6 months;~~ and

(b) Is at least 60 years of age ~~17~~ on the date of a meeting at which the Forum will vote on a matter considered by the Forum.

~~4. As used in this section, "member of the military" means a person who is presently serving in the Armed Forces of the United States, a reserve component thereof or the National Guard.~~

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 52 to Senate Bill No. 123 eliminates different qualification requirements for appointment to the Nevada Silver Haired Legislative Forum for civilians and members of the military and instead provides that a person must have been a resident of Nevada for six months immediately preceding appointment. It authorizes a member of the National Silver Haired Congress from Nevada who is an *ex officio* member of the Forum to vote on a matter considered by the Forum if he or she has been a resident of the State for six months preceding the meeting at which the vote will occur.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 127.

Bill read second time.

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

Amendment No. 159.

SUMMARY—Revises provisions relating to the Charter of the City of Mesquite. (BDR S-619)

AN ACT relating to the City of Mesquite; revising the process for appointing the City Manager and City Attorney; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing Charter of the City of Mesquite creates elective officer positions, including a Mayor and five members of the City Council. (Mesquite City Charter § 1.050) The Charter also creates several executive officer positions, including the City Manager and City Attorney, and requires the Mayor of Mesquite to appoint the City Manager and City Attorney, subject to the advice and consent of the City Council. (Mesquite City Charter § 1.080) This bill revises the process for those appointments by requiring the Mayor to make the first nominations to fill the positions of the City Manager and City Attorney. If a person so nominated by the Mayor is not confirmed by at least

four votes, with the Mayor and each member of the City Council having one vote, this bill further provides that any member of the City Council may submit a nominee for consideration and requires at least four affirmative votes, with the Mayor and each member of the City Council having one vote, for a nominee to be confirmed.

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

Section 1. Section 1.080 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1866, is hereby amended to read as follows:

Sec. 1.080 Executive officers.

1. The following positions are executive officers within the City:

- (a) City Manager.
- (b) City Attorney.
- (c) Assistant City Manager or Deputy City Manager.
- (d) City Clerk.
- (e) Director of Finance.
- (f) Chief of Police.
- (g) Fire Chief.

2. The City Council may combine any positions for executive officers by ordinance.

3. The ~~appointments~~ *first nominations to fill the positions of the City Manager and City Attorney must be made by the Mayor . ~~subject to the advice and consent of the City Council.~~ If a person so nominated by the Mayor is not confirmed by at least four votes, with the Mayor and each member of the City Council having one vote, any member of the City Council may submit a nominee for consideration. At least four affirmative votes, with the Mayor and each member of the City Council having one vote, is required for a nominee to be confirmed.*

4. The appointments and termination of all other executive officers must be made by the City Manager and are subject to ratification by the City Council.

Sec. 2. Notwithstanding the amendatory provisions of section 1 of this act, the City Manager and the City Attorney of the City of Mesquite continue to serve in those positions until a new City Manager and City Attorney are appointed pursuant to section 1.080 of the Charter of the City of Mesquite, as amended by section 1 of this act.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

This gives the opportunity for something good to happen for the people of Mesquite.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 154.

Bill read second time.

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

Amendment No. 94.

SUMMARY—Makes changes related to Medicaid coverage of certain treatments administered at institutions for mental diseases. (BDR 38-451)

AN ACT relating to Medicaid; requiring the Department of Health and Human Services to apply for a waiver to receive federal funding for coverage of the treatment of the substance use disorder of a person in an institution for mental diseases; authorizing the Department to apply for a waiver to receive federal funding for coverage of the treatment of certain mental health conditions of persons in an institution for mental diseases; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing state law requires the Director of the Department of Health and Human Services to develop and adopt a State Plan for Medicaid which includes, without limitation, a list of specific medical services required to be provided to Medicaid recipients. (NRS 422.063, 422.270-422.27495) Existing law authorizes the Director of the Department, under certain circumstances, to seek a waiver of certain provisions of federal law governing Medicaid to enable the State to receive federal funding for certain Medicaid coverage. (NRS 422.270-422.27495) Existing federal law prohibits federal payment for services provided to patients residing in an institution for mental diseases. (42 U.S.C. § 1396d) Section 1 of this bill requires the Department to apply for a waiver to receive federal funding for coverage of the treatment of the substance use disorder of a person in an institution for mental diseases. Section 1 also authorizes the Department to apply for a waiver to receive federal funding for coverage of the treatment of an adult with a serious mental illness or a child with a serious emotional disturbance in an institution for mental diseases. Section 2 of this bill makes a conforming change to indicate that section 1 of this bill will be administered in the same manner as existing law governing Medicaid.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 that authorizes the Department to receive federal funding to include in the State Plan for Medicaid coverage for the treatment of the substance use disorder of a person who is in an institution for mental diseases.*

2. *The Department may apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 that authorizes the*

Department to receive federal funding to include in the State Plan for Medicaid coverage for the treatment of an adult with a serious mental illness or a child with a serious emotional disturbance in an institution for mental diseases.

3. The Department shall cooperate with the Federal Government in obtaining:

(a) A waiver pursuant to subsection 1; and

(b) Any waiver for which the Department applies pursuant to subsection 2.

4. As used in this section:

(a) "Adult with a serious mental illness" means a person who is at least 18 years of age and has been diagnosed within the immediately preceding 12 months as having a mental, behavioral or emotional disorder as defined in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, other than an addictive disorder, intellectual or developmental disability, irreversible dementia or a substance use disorder, which interferes with or limits one or more major life activities of the person.

(b) "Child with a serious emotional disturbance" means a person who is less than 18 years of age and has been diagnosed within the immediately preceding 12 months as having a mental, behavioral or emotional disorder as defined in the most recent version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, other than a ~~mental~~ disorder designated as a Code V disorder in the Manual, a developmental disability or a substance use disorder, which substantially interferes with or limits the person from developing social, behavioral, cognitive, communicative or adaptive skills or his or her activities relating to family, school or community. The term does not include a person with a disorder which is temporary or is an expected response to a stressful event.

(c) "Developmental disability" has the meaning ascribed to it in NRS 435.007.

(d) "Institution for mental diseases" has the meaning ascribed to it in 42 U.S.C. § 1396d(i).

(e) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 1 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

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

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 94 to Senate Bill No. 154 deletes the word "mental" when referring to disorders designated as a Code V disorders in the *Diagnostic and Statistical Manual of Mental Disorders*.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 163.

Bill read second time and ordered to third reading.

Senate Bill No. 177.

Bill read second time and ordered to third reading.

Senate Bill No. 187.

Bill read second time and ordered to third reading.

Senate Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 134.

SUMMARY—Revises provisions relating to the education of veterans and their spouses and dependents. (BDR 34-382)

AN ACT relating to education; requiring the Board of Regents of the University of Nevada to prepare a report concerning students who are veterans; creating a preference in admission to certain programs for certain veterans; prohibiting the assessment of a tuition charge against certain veterans, ~~and their~~ spouses and dependents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law previously required the Board of Regents of the University of Nevada to prepare and submit a report concerning students who are veterans to the Director of the Legislative Counsel Bureau or to the Legislative Committee on Education, as appropriate. This requirement expired by limitation on July 1, 2020. (Section 5 of Assembly Bill No. 76, chapter 13, Statutes of Nevada 2015, at page 55) Section 2 of this bill revives this requirement.

Existing law prohibits the Board of Regents from discriminating in the admission of students on account of national origin, religion, age, physical disability, sex, sexual orientation, gender identity or expression, race or color. (NRS 396.530) Sections 3 and 4 of this bill require the Board of Regents to require each nursing program and program for the education of teachers to give preference in admission to veterans of the Armed Forces of the United States who have been honorably discharged.

Existing federal law grants Post-9/11 Educational Assistance to eligible veterans. (38 U.S.C. §§ 3301-3327) Existing federal law authorizes a veteran who was discharged from the Armed Forces of the United States before

January 1, 2013, to have access to such educational benefits for 15 years, while a veteran who was discharged on or after January 1, 2013, has access to such benefits without expiration. (38 U.S.C. § 3321) Existing federal law grants Survivors' and Dependents' Educational Assistance to eligible survivors and dependents of members of the Armed Forces of the United States. (38 U.S.C. §§ 3500-3566) Existing state law authorizes the Board of Regents to assess a tuition charge against students who are not residents of this State. Existing law prohibits a tuition charge from being assessed against certain students, including, without limitation, students who are veterans who were honorably discharged within 5 years before the date of matriculation at a university, state college or community college within the Nevada System of Higher Education. (NRS 396.540) Section 5 of this bill removes, for the purpose of this exemption from a tuition charge, the time limitation for matriculating at a university, state college or community college within the System for veterans who have been honorably discharged. Section 5 additionally prohibits a tuition charge from being assessed against veterans, ~~and their~~ spouses and dependents who are using Post-9/11 Educational Assistance. Section 5 similarly prohibits a tuition charge from being assessed against students using Survivors' and Dependents' Educational Assistance.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *1. The Board of Regents shall, not later than November 30 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Committee on Education when the Legislature is not in regular session, a report concerning the participation of students who are veterans in the System. The report must cover the immediately preceding academic year.*

2. The report must include, without limitation:

(a) The number of students who:

(1) Identify themselves as veterans.

(2) Are receiving payments or benefits from the United States Department of Veterans Affairs.

(b) The number of students who are veterans, divided by gender.

(c) The rate of retention and average age of the students who are veterans.

(d) The most common areas of study among the students who are veterans.

(e) Any information necessary to determine the impact of policy changes on the number of students who are veterans in the System.

(f) The number of students who are veterans who graduated during the immediately preceding academic year.

(g) The efforts of each institution to retain and graduate students who are veterans through retention and other related programs.

Sec. 3. *The Board of Regents shall require each nursing program in the System to give preference in admission to veterans of the Armed Forces of the United States who were honorably discharged.*

Sec. 4. *The Board of Regents shall require each program developed by the System for the education of teachers to give preference in admission to veterans of the Armed Forces of the United States who were honorably discharged.*

Sec. 5. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the student enrolled at an institution of the System if such students maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(8);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged ; ~~{within the 5 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System; and}~~

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart ~~{-}~~ ;

(l) *All students who are:*

(1) *Veterans using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive, and became eligible for such benefits on or after January 1, 2013; or*

(2) *Spouses or dependents ~~{of such veterans;}~~ using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive; and*

(m) *All students who are using Survivors' and Dependents' Educational Assistance pursuant to 38 U.S.C. §§ 3500 to 3566, inclusive.*

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States ~~{who were honorably discharged}~~ than the ~~{exemption}~~ exemptions provided pursuant to ~~{paragraph (j) of}~~ subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. 1. This section and section 5 of this act become effective on July 1, 2021.

2. Sections 1 to 4, inclusive, and 6 of this act become effective on October 1, 2021.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 134 to Senate Bill No. 193 clarifies that tuition is prohibited for spouses and dependents who use the Post-9/11 Educational Assistance benefits.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 219.

Bill read second time and ordered to third reading.

Senate Bill No. 237.

Bill read second time and ordered to third reading.

Senate Bill No. 269.

Bill read second time and ordered to third reading.

Senate Bill No. 276.

Bill read second time and ordered to third reading.

Senate Bill No. 302.

Bill read second time and ordered to third reading.

Senate Bill No. 326.

Bill read second time and ordered to third reading.

Senate Bill No. 352.

Bill read second time and ordered to third reading.

Senate Bill No. 353.

Bill read second time and ordered to third reading.

Senate Bill No. 356.

Bill read second time and ordered to third reading.

Senate Bill No. 357.

Bill read second time and ordered to third reading.

Senate Bill No. 358.

Bill read second time and ordered to third reading.

Senate Bill No. 365.

Bill read second time and ordered to third reading.

Senate Bill No. 368.

Bill read second time and ordered to third reading.

Senate Bill No. 372.

Bill read second time and ordered to third reading.

Senate Bill No. 373.

Bill read second time and ordered to third reading.

Senate Bill No. 398.

Bill read second time and ordered to third reading.

Senate Bill No. 400.

Bill read second time and ordered to third reading.

Senate Bill No. 404.

Bill read second time and ordered to third reading.

Senate Bill No. 405.

Bill read second time and ordered to third reading.

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

Senate in recess at 1:03 p.m.

SENATE IN SESSION

At 1:25 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Brooks moved that Senate Bill No. 154 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Senator Brooks moved that Senate Bills Nos. 163, 187, 219, 276, 302, 326, 353, 356, 365, 373 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 68.

Bill read third time.

Remarks by Senators Ohrenschall, Pickard and Kieckhefer.

SENATOR OHRENSCHALL:

Senate Bill No. 68 revises various provisions governing the investment of certain money held by the State. The bill eliminates the prohibition against investment of the State's General Portfolio in a reverse-repurchase agreement. It increases from \$50 million to \$75 million the maximum amount of money the State Treasurer is authorized to transfer from the State Permanent School Fund to a corporation for public benefit to provide private equity funding to businesses engaged in certain industries that are located or seeking to locate in Nevada. It increases from \$40 million to \$60 million the maximum allowable amount the treasurer is authorized to use from the State Permanent School Fund to guarantee outstanding bonds issued by a school district.

SENATOR PICKARD:

Why would the State Treasurer want to remove this money from the State Permanent School Fund instead of some other fund in order to fund these public benefits?

SENATOR OHRENSCHALL:

My recollection from the hearing is that this would give the Treasurer's Office a greater ability to help a struggling school district in need of help. It would provide greater flexibility in being able to do that.

SENATOR KIECKHEFER:

A measure originally approved in 2011 allows these investments out of the Permanent School Fund. It has been a successful investment portfolio for Nevada-based companies and has created positive returns over that period of time for the Nevada School Fund in excess of what they received from their other investments.

Roll call on Senate Bill No. 68:

YEAS—18.

NAYS—Buck, Hansen, Neal—3.

Senate Bill No. 68 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate adjourn until Tuesday, April 13, 2021, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:31 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate