

NEVADA LEGISLATURE

81st Session, 2021

SENATE DAILY JOURNAL

THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), May 29, 2021

Senate called to order at 1:41 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by Senator Joseph Hardy.

Our Father, we are grateful for our agency, the power to choose. We are appreciative of the opposition we have so we can come to agreements. We pray we will ultimately learn to do Thy will, respect one another as Thy children of one blood, one race.

In the Name of Thy Savior,

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 Education, to which were referred Assembly Bills Nos. 156, 165, 225, 247, 262, 319, 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Finance, to which were referred Senate Bill No. 460; Assembly Bills Nos. 487, 492, 493, 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were referred Assembly Bills Nos. 464, 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS BROOKS, *Chair*

MESSAGES FROM ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 28, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 409, 411, 412, 413, 414, 415, 418, 421, 422, 426, 427, 446, 447.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 315, 355, 383, 387, 432, 443, 445.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 410, Amendment No. 805, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolutions Nos. 11, 13.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Assembly Bills Nos. 37, 40, 67, 149, 189, 196, 220, 270, 357, 358, 365, 411, 422, 441 be taken from the General File and placed at the top of the General File on the last Agenda.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 461—AN ACT relating to state financial administration; requiring a transfer to the State General Fund and authorizing disbursements of certain federal money in certain circumstances; and providing other matters properly relating thereto.

Senator Brooks moved that the bill be referred to the Committee on Finance.
Motion carried.

By Senators Settlemeyer, Kieckhefer, Pickard, Goicoechea, Hardy, Buck, Hammond, Hansen and SeEVERS Gansert (emergency request of Senate Minority Leader):

Senate Bill No. 462—AN ACT relating to legislative affairs; creating the Reapportionment and Redistricting Advisory Commission; prescribing the membership of the Commission; setting forth the duties of the Commission; and providing other matters properly relating thereto.

Senator Settlemeyer moved that the bill be referred to the Committee on Legislative Operations and Elections.
Motion carried.

Assembly Bill No. 315.

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

Assembly Bill No. 355.

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

Assembly Bill No. 383.

Senator Ratti moved that the bill be referred to the Committee on Growth and Infrastructure.
Motion carried.

Assembly Bill No. 387.

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

Motion carried.

Assembly Bill No. 432.

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

Motion carried.

Assembly Bill No. 443.

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

Motion carried.

Assembly Bill No. 445.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 367.

Bill read third time.

Remarks by Senator Neal.

Senate Bill No. 367 establishes a definition of "governmental entity" within NRS Chapter 368A, governing the Live Entertainment Tax, based on the definition of governmental entity under current law in NRS Chapter 372, which governs the sales and use tax. The bill also amends NRS Chapter 368A to specify that the Live Entertainment Tax does not apply to live entertainment as provided by or entirely for the benefit of a governmental entity.

Roll call on Senate Bill No. 367:

YEAS—21.

NAYS—None.

Senate Bill No. 367 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 451.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 451 appropriates \$2,530,292 from the State General Fund to the Office of the Secretary of State for the replacement of computer hardware and software.

Roll call on Assembly Bill No. 451:

YEAS—21.

NAYS—None.

Assembly Bill No. 451 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 453.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 453 makes a one-time General Fund appropriation of \$34,000 to the Account for Pensions for Silicosis, Diseases Related to Asbestos and other disabilities.

Roll call on Assembly Bill No. 453:

YEAS—21.

NAYS—None.

Assembly Bill No. 453 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 454.

Bill read third time.

Remarks by Senator Brooks and Kieckhefer.

SENATOR BROOKS:

Assembly Bill No. 454 provides for General Fund appropriations of \$7,328,366 to the Nevada Promise Scholarship Account to provide scholarships for eligible students attending community colleges within the State.

SENATOR KIECKHEFER:

I want to reiterate how important these scholarships are to the young people in our State who are moving on to college. I received a text message from a family of a student a couple of days ago who is the recipient of the Nevada Promise Scholarship and is graduating from community college and now off to a university, which made a significant difference to them and their family. I thank our colleague who helped create this program and have helped so many children.

Roll call on Assembly Bill No. 454:

YEAS—21.

NAYS—None.

Assembly Bill No. 454 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 455.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 455 provides for General Fund appropriations of \$18,848 to the Office of the State Controller for the replacement of printers.

Roll call on Assembly Bill No. 455:

YEAS—21.

NAYS—None.

Assembly Bill No. 455 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 456.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 456 appropriates \$85,750 from the State General Fund to the Aging and Disability Services Division of DHSS to fund pavement maintenance at the Jones Campus of the Desert Regional Center.

Roll call on Assembly Bill No. 456:

YEAS—21.

NAYS—None.

Assembly Bill No. 456 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 457.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 457 appropriates \$637,890 from the State General Fund to the Division of Forestry of the State Department of Conservation and Natural Resources to fund deferred.

Roll call on Assembly Bill No. 457:

YEAS—21.

NAYS—None.

Assembly Bill No. 457 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 458.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 458 provides one-time General Fund appropriations totaling \$731,324 to the Real Estate Division of the Department of Business and Industry, which includes \$693,670 for an upgrade of its licensing software system and \$37,654 for the purchase of computer hardware and software replacement equipment.

Roll call on Assembly Bill No. 458:

YEAS—21.

NAYS—None.

Assembly Bill No. 458 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 460.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 460 appropriates General Funds of \$200,000 to the Division of Museums and History of the Department of Tourism and Cultural Affairs to restore the school bus program to reimburse transportation costs for public school students to visit State museums.

Field trips are sometimes the only way students are able to visit and go to our museums so. I encourage your support.

Roll call on Assembly Bill No. 460:

YEAS—21.

NAYS—None.

Assembly Bill No. 460 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 461.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 461 appropriates State General Funds of \$96,000 to the Office of the Attorney General to replace standard glass windows and doors with ballistic glass and frames at the Carson City office.

Roll call on Assembly Bill No. 461:

YEAS—20.

NAYS—Settelmeyer.

Assembly Bill No. 461 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 462.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 462 makes General Fund appropriations for the following: \$2,189,808 for an upgrade to the Offender Management System; \$1,436,720 for the reintegration of the Offender Sentence Management System into the Nevada Offender Tracking Information System;

\$247,012 for replacement cameras and storage area networks, and \$102,747 for replacement ovens at the High Desert State Prison.

Roll call on Assembly Bill No. 462:

YEAS—21.

NAYS—None.

Assembly Bill No. 462 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 465.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 465 appropriates General Funds of \$2,119,308 to the Division of Water Resources of the State Department of Conservation and Natural Resources for the repair and maintenance of the South Fork Dam.

Roll call on Assembly Bill No. 465:

YEAS—21.

NAYS—None.

Assembly Bill No. 465 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 466.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 466 makes one-time General Fund appropriations of \$15,842,443 for hepatitis C treatments for offenders and \$196,523 for new and replacement medical and dental equipment.

Roll call on Assembly Bill No. 466:

YEAS—21.

NAYS—None.

Assembly Bill No. 466 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 467.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 467 makes an appropriation from the State General Fund in the amount of \$2,614,908 and an appropriation from the State Highway Fund in the amount of \$19,398,147 to the Department of Transportation for the continuing costs of the replacement of the Nevada Shared Radio System.

Roll call on Assembly Bill No. 467:

YEAS—21.

NAYS—None.

Assembly Bill No. 467 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 469.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 469 appropriates \$549,998 from the State General Fund to the Office of the Secretary of State for a projected shortfall related to credit card processing fees.

Roll call on Assembly Bill No. 469:

YEAS—21.

NAYS—None.

Assembly Bill No. 469 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 470.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 470 makes a General Fund appropriation of \$481,920 to the Real Estate Division of the Department of Business and Industry for a projected shortfall relating to timeshare filing fees.

Roll call on Assembly Bill No. 470:

YEAS—21.

NAYS—None.

Assembly Bill No. 470 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 474.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 474 makes a General Fund appropriation of \$17.5 million to the Division of Welfare and Supportive Services for continuation of the Child Support Enforcement technology modernization project for the Child Support Enforcement program. In addition, Assembly Bill No. 474 authorizes expenditures of \$34.3 million from non-General Fund sources over the 2021-2023 biennium for this same purpose.

Roll call on Assembly Bill No. 474:

YEAS—21.

NAYS—None.

Assembly Bill No. 474 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 475.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 475 appropriates from the State General Fund to the Millennium Scholarship Trust Fund the sum of \$42 million.

Roll call on Assembly Bill No. 475:

YEAS—21.

NAYS—None.

Assembly Bill No. 475 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 477.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 477 transfers any unexpected balance in the Revolving Account for the Assistance of the Department to the Account for Off-Highway Vehicles.

Roll call on Assembly Bill No. 477:

YEAS—21.

NAYS—None.

Assembly Bill No. 477 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 480.

Bill read third time.

Remarks by Senators Hammond.

Assembly Bill No. 480 removes limitations in existing law that specify an attorney, other than a public defender, who is appointed to represent or defend a person during any stage of a criminal proceeding is entitled to receive fees for his or her services. The measure revises provisions relating to claims for compensation and expenses made by attorneys.

Assembly Bill No. 480 also creates the Special Account for the Support of Indigent Defense Services and authorizes the Department to apply for and accept any available grants, bequests, devises, donations or gifts from any public or private source to carry out the duties of the Department and the Board on Indigent Defense Services.

Conflict of interest declared by Senator Ohrenschall.

Roll call on Assembly Bill No. 480:

YEAS—20.

NAYS—None.

NOT VOTING—Ohrenschall.

Assembly Bill No. 480 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 482.

Bill read third time.

Remarks by Senator Brooks.

Assembly Bill No. 482 requires the Secretary of State to suspend a State business license if the State Controller has notified the Secretary of State that the person who holds the State business license owes a debt to a State agency that has been assigned to the State Controller for collection and the person has not: satisfied the debt; entered into an agreement with the State Controller for the payment of the debt, or demonstrated to the State Controller that the debt is not valid. The act also makes existing reporting requirements for the State Controller and State agencies regarding licenses and debt collection to be applicable to State business licenses issued by the Secretary of State.

Roll call on Assembly Bill No. 482:

YEAS—17.

NAYS—Buck, Hansen, Pickard, Settlemeyer—4.

Assembly Bill No. 482 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 484.

Bill read third time.

Remarks by Senators Brooks and Pickard.

SENATOR BROOKS:

Assembly Bill No. 484 requires the disbursement of federal funds of \$54 million authorized for use by the administration of unemployment compensation by the Division of the Office of Finance

in the Office of the Governor to the Employment Security Division of DETR to upgrade its unemployment compensation information system.

SENATOR PICKARD:

While I support the bill, I think we need to address the financial problems. It is disappointing and distressing that both the Special Master and Barbara Buckley came up with additional lists of needed corrections. Senate Bill No. 419 would have made those corrections, but this Body has decided not to pass that bill along, which will ultimately hurt tens of thousands of people in the long run. I am supportive of this bill, as it is necessary.

Roll call on Assembly Bill No. 484:

YEAS—21.

NAYS—None.

Assembly Bill No. 484 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 485.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 485 transfers the Division of Emergency Management and its powers and duties from the Department of Public Safety to the Office of the Military and grants the Adjutant General authority over the Division of Emergency Management. The bill makes several changes regarding the authority and service of, and eligibility for appointment to, certain positions in the Office of the Adjutant General.

Roll call on Assembly Bill No. 485:

YEAS—21.

NAYS—None.

Assembly Bill No. 485 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

RECEDE FROM SENATE AMENDMENTS

Senator Neal moved that the Senate do not recede from its action on Assembly Bill No. 368, that a conference be requested, and that Madam President appoint a Conference Committee consisting of three members to meet with a like Committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINT CONFERENCE COMMITTEES

Madam President appointed Senators Neal, Harris and Hansen as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Assembly Bill No. 368.

SECOND READING AND AMENDMENT

Senate Bill No. 460.

Bill read second time and ordered to third reading.

Assembly Bill No. 156.
Bill read second time and ordered to third reading.

Assembly Bill No. 165.
Bill read second time and ordered to third reading.

Assembly Bill No. 225.
Bill read second time and ordered to third reading.

Assembly Bill No. 247.
Bill read second time and ordered to third reading.

Assembly Bill No. 262.
Bill read second time and ordered to third reading.

Assembly Bill No. 319.
Bill read second time and ordered to third reading.

Assembly Bill No. 371.
Bill read second time and ordered to third reading.

Assembly Bill No. 464.
Bill read second time.

The following amendment was proposed by the Committee on Finance:
Amendment No. 814.

SUMMARY—Makes appropriations to restore the balances in the Stale Claims Account, the Emergency Account, the Reserve for Statutory Contingency Account and the Contingency Account ~~and~~ and to the Interim Finance Committee to make certain allocations. (BDR S-1051)

AN ACT making appropriations to restore the balances in the Stale Claims Account, the Emergency Account, the Reserve for Statutory Contingency Account and the Contingency Account ~~and~~ and to the Interim Finance Committee to make certain allocations; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to restore the balance in the Stale Claims Account created by NRS 353.097 the sum of \$3,570,578.

Sec. 2. There is hereby appropriated from the State General Fund to restore the balance in the Emergency Account created by NRS 353.263 the sum of \$239,791.

Sec. 3. There is hereby appropriated from the State General Fund to restore the balance in the Reserve for Statutory Contingency Account created by NRS 353.264 the sum of \$12,051,658.

Sec. 4. There is hereby appropriated from the State General Fund to restore the balance in the Contingency Account created by NRS 353.266 the sum of \$13,667,305.

Sec. 4.3. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$267,500 for allocation to the Department of Taxation for personnel costs related to the issuance of refunds for the portion of modified business taxes paid in Fiscal Year 2019-2020 and Fiscal Year 2020-2021 that exceeded the reduced tax rates determined by the Department pursuant to NRS 360.203.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 4.7. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$2,500,000 for allocation to the Division of Forestry of the State Department of Conservation and Natural Resources only for expenses incurred in the suppression of fires or response to emergencies charged to the Forest Fire Suppression budget account.

2. Money appropriated by subsection 1 may be allocated to the Division of Forestry of the State Department of Conservation and Natural Resources with the approval of the Interim Finance Committee, upon the recommendation of the Governor and submittal of documentation indicating that billings related to the suppression of fires or response to emergencies have been received.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

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

Senator Brooks moved the adoption of the amendment.

Remarks by Senator Brooks.

Senate Amendment No. 814 amends Assembly Bill No. 464 and makes a General Fund appropriation of \$267,500 to the Interim Finance Committee's Contingency Account allocable to the Department of Taxation in Fiscal Year 2022 for personnel costs related to the issuance of refunds for the portion of the Modified Business Tax paid in Fiscal Year 2019-2020 from Fiscal Year 2020-2021 that exceeded the reduced tax rates determined by the Department pursuant to NRS 360.203.

Additionally, Senate Amendment No. 814 makes an appropriation to the State General Fund of \$2.5 million to the Interim Finance Committee's Contingency Account allocable to the Division of Forestry of the Department of Conservation and Natural Resources to fund costs incurred in fighting wildlands and forest fires during the 2021-2023 biennium.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 468.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 815.

SUMMARY—Makes appropriations to various divisions of the Department of Motor Vehicles for the replacement of computer hardware and software and certain other equipment ~~to~~ and to the Interim Finance Committee to allocate to the Department for certain computer programming costs. (BDR S-1135)

AN ACT making appropriations to various divisions of the Department of Motor Vehicles for the replacement of computer hardware and software and certain other equipment ~~to~~ and to the Interim Finance Committee to allocate to the Department for certain computer programming costs; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State Highway Fund to the Division of Information Technology of the Department of Motor Vehicles the sum of \$23,677 for the costs of the replacement of the DUO Digipass security application and one UPS battery backup unit.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 2. 1. There is hereby appropriated from the State Highway Fund to the Division of Information Technology of the Department of Motor Vehicles the sum of \$645,078 for the replacement of computer hardware and software and associated equipment.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 3. 1. There is hereby appropriated from the State Highway Fund to the Motor Carrier Division of the Department of Motor Vehicles the sum of \$38,916 for the replacement of computer hardware and software.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 4. 1. There is hereby appropriated from the State Highway Fund to the Division of Field Services of the Department of Motor Vehicles the sum of \$561,647 for the replacement of credit card readers, scanners, shredders, facsimile machines and a stylus marking system.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 5. 1. There is hereby appropriated from the State Highway Fund to the Division of Field Services of the Department of Motor Vehicles the sum of \$61,614 for the replacement of barcode scanners.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 6. 1. There is hereby appropriated from the State Highway Fund to the Division of Field Services of the Department of Motor Vehicles the sum of \$745,632 for the replacement of computer hardware and software.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 7. 1. There is hereby appropriated from the State Highway Fund to the Division of Compliance Enforcement of the Department of Motor Vehicles the sum of \$51,874 for the replacement of computer hardware and software.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 8. 1. There is hereby appropriated from the State Highway Fund to the Office of the Director of the Department of Motor Vehicles the sum of \$42,408 for the replacement of computer hardware and software.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 9. 1. There is hereby appropriated from the State Highway Fund to the Administrative Services Division of the Department of Motor Vehicles the sum of \$46,888 for the replacement of computer hardware and software.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 9.5. 1. There is hereby appropriated from the State Highway Fund to the Interim Finance Committee the sum of \$615,643 for allocation to the Department of Motor Vehicles for the costs of computer programming related to legislation enacted by the 81st Session of the Nevada Legislature and approved by the Governor.

2. Money appropriated by subsection 1 may be allocated to the Department of Motor Vehicles with the approval of the Interim Finance Committee, upon recommendation of the Governor, and submittal of documentation for the costs.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated

or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.

Sec. 10. This act becomes effective upon passage and approval.

Senator Brooks moved the adoption of the amendment.

Remarks by Senator Brooks.

Senate Amendment No. 815 to Assembly Bill No. 468 appropriates Highway Funds of \$615,643 to the Interim Finance Committee, which may be allocated to DMV for the costs of computer programming related to legislation enacted by the 81st Session of the Nevada Legislature and approved by the Governor.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 487.

Bill read second time and ordered to third reading.

Assembly Bill No. 492.

Bill read second time and ordered to third reading.

Assembly Bill No. 493.

Bill read second time and ordered to third reading.

Assembly Bill No. 494.

Bill read second time and ordered to third reading.

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

Motion carried.

Senate in recess at 2:26 p.m.

SENATE IN SESSION

At 11:28p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which was referred Senate Bill No. 461; Assembly Bill No. 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 164, 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS BROOKS, *Chair*

Madam President:

Your Committee on Judiciary, to which was referred Assembly Bill No. 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELANIE SCHEIBLE, *Chair*

MESSAGES FROM ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 29, 2021

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bill No. 65.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Settlemeyer moved that Assembly Bills Nos. 149, 189, 196, 220, 270, 357, 358, 365, 411, 422, 441 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Settlemeyer moved that Assembly Bill No. 37 be taken from the General File and placed on the Secretary's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 463—AN ACT making an appropriation to the Department of Education for transfer to certain charter schools; and providing other matters properly relating thereto.

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

Motion carried.

Assembly Bill No. 65.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 461.

Bill read second time and ordered to third reading.

Assembly Bill No. 126.

Bill read second time and ordered to third reading.

Assembly Bill No. 427.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 164.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 821.

SUMMARY—~~Directs the Legislative Commission to appoint a committee to conduct an interim study concerning sex trafficking.~~ Revises provisions relating to prostitution. (BDR ~~[S-57]~~ 15-57)

AN ACT relating to crimes; ~~directing the Legislative Commission to appoint a committee to conduct an interim study concerning sex trafficking in~~

~~this State,] revising provisions relating to prostitution; and providing other matters properly relating thereto.~~

Legislative Counsel's Digest:

~~[Existing law: (1) sets forth certain acts that constitute the crimes of sex trafficking and facilitating sex trafficking; and (2) imposes various penalties upon a person who is found guilty of such crimes, depending on the age of the victim. (NRS 201.300, 201.301) This bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning issues relating to sex trafficking in this State. This bill requires the committee to examine, research and identify: (1) the existing laws governing sex trafficking and related offenses; (2) alternatives to arrest and immunity from civil liability for victims of sex trafficking; (3) programs which provide resources to such victims; and (4) statistical information concerning sex trafficking.]~~

Existing law: (1) prohibits a person from engaging in prostitution or solicitation for prostitution except in a licensed house of prostitution; (2) provides that a prostitute who violates such a prohibition is guilty of a misdemeanor; and (3) provides that a customer who violates such a prohibition is guilty, in general, of a misdemeanor for the first offense and a gross misdemeanor for a subsequent offense. (NRS 201.354) Section 4 of this bill removes such a prohibition as it applies to prostitutes, thereby making the provisions of section 4 only applicable to customers, and section 2 of this bill adds the removed prohibition as a separate section applicable only to prostitutes.

Existing law requires a peace officer who detains, arrests or issues a citation to a prostitute for a violation of the prohibition against unlawfully engaging in prostitution or solicitation for prostitution to provide information relating to certain assistance for which the prostitute might be eligible. Existing law additionally requires a prosecuting attorney to dismiss the charge against a prostitute for such a violation if the prosecuting attorney has reason to believe that the prostitute is a victim of sex trafficking. (NRS 201.354) Section 4 removes such provisions and section 2 adds the removed provisions.

Section 3 of this bill makes a conforming change to indicate the placement of section 2 in the Nevada Revised Statutes. Sections 5, 6 and 9-13 of this bill make conforming changes to add references to section 2, thereby maintaining the applicability of those sections to the provisions of section 2. Sections 7 and 8 of this bill make conforming changes to indicate that, in accordance with section 4, those sections are applicable only to customers of prostitutes.

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

Section 1. ~~[1. The Legislative Commission shall appoint a committee to conduct an interim study concerning issues relating to sex trafficking in this State.~~

~~2. The interim committee must be composed of six Legislators as follows:
(a) Two members appointed by the Majority Leader of the Senate;
(b) Two members appointed by the Speaker of the Assembly;~~

- ~~— (e) One member appointed by the Minority Leader of the Senate; and~~
- ~~— (d) One member appointed by the Minority Leader of the Assembly.~~
- ~~— 3. The Legislative Commission shall appoint a Chair and Vice Chair from among the members of the interim committee.~~
- ~~— 4. The interim committee shall examine, research and identify, without limitation:~~
 - ~~— (a) The existing laws of this State governing sex trafficking and related crimes;~~
 - ~~— (b) Alternatives to arrest for victims of sex trafficking;~~
 - ~~— (c) Immunity from civil liability for victims of sex trafficking;~~
 - ~~— (d) Programs which provide resources and services for victims of sex trafficking;~~
 - ~~— (e) Statistical information concerning sex trafficking in this State; and~~
 - ~~— (f) Any other relevant matters pertaining to sex trafficking in this State.~~
- ~~— 5. Any recommended legislation proposed by the interim committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the interim committee.~~
- ~~— 6. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature. (Deleted by amendment.)~~

Sec. 2. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is unlawful for a prostitute to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

2. A person who violates subsection 1 is guilty of a misdemeanor.

3. A peace officer who:

(a) Detains but does not arrest or issue a citation to a person for a violation of subsection 1 shall, before releasing the person, provide information regarding and opportunities for connecting with social service agencies that may provide assistance to the person. The Department of Health and Human Services shall assist law enforcement agencies in providing information regarding and opportunities for connecting with such social service agencies pursuant to this paragraph.

(b) Arrests or issues a citation to a person for a violation of subsection 1 shall, before the person is released from custody or cited:

(1) Inform the person that he or she may be eligible for assignment to a preprosecution diversion program established pursuant to NRS 174.032; and

(2) Provide the information regarding and opportunities for connecting with social service agencies described in paragraph (a).

4. If, at any time before the trial of a person charged with a violation of subsection 1, the prosecuting attorney has reason to believe that the person is a victim of sex trafficking, the prosecuting attorney shall dismiss the charge. As used in this subsection, "sex trafficking" means a violation of subsection 2 of NRS 201.300.

Sec. 3. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, and section 2 of this act, unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Child" means a person less than 18 years of age.
3. "Induce" means to persuade, encourage, inveigle or entice.
4. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.
5. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.
6. "Sexual conduct" means any of the acts enumerated in subsection 4.
7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 4. NRS 201.354 is hereby amended to read as follows:

201.354 1. It is unlawful for ~~any person~~ a customer to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

2. Any person who violates subsection 1 by soliciting for prostitution:

- (a) A peace officer who is posing as a child; or
- (b) A person who is assisting a peace officer by posing as a child,

↪ is guilty of soliciting a child for prostitution.

3. ~~A prostitute who violates subsection 1 is guilty of a misdemeanor. A peace officer who:~~

~~(a) Detains, but does not arrest or issue a citation to a prostitute for a violation of subsection 1 shall, before releasing the prostitute, provide information regarding and opportunities for connecting with social service agencies that may provide assistance to the prostitute. The Department of Health and Human Services shall assist law enforcement agencies in providing information regarding and opportunities for connecting with such social service agencies pursuant to this paragraph.~~

~~(b) Arrests or issues a citation to a prostitute for a violation of subsection 1 shall, before the prostitute is released from custody or cited:~~

~~(1) Inform the prostitute that he or she may be eligible for assignment to a preprosecution diversion program established pursuant to NRS 174.032; and~~

~~(2) Provide the information regarding and opportunities for connecting with social service agencies described in paragraph (a).~~

~~4.]~~ Except as otherwise provided in subsection ~~[6.]~~ 5. a ~~customer~~ person who violates this section:

(a) For a first offense, is guilty of a misdemeanor and shall be punished as provided in NRS 193.150, and by a fine of not less than \$400.

(b) For a second offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than \$800.

(c) For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than \$1,300.

~~5.~~ 4. In addition to any other penalty imposed, the court shall order a person who violates subsection ~~4~~ 3 to pay a civil penalty of not less than \$200 per offense. The civil penalty must be paid to the district attorney or city attorney of the jurisdiction in which the violation occurred. If the civil penalty imposed pursuant to this subsection:

(a) Is not within the person's present ability to pay, in lieu of paying the penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the civil penalty.

(b) Is not entirely within the person's present ability to pay, in lieu of paying the entire civil penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the civil penalty.

~~6.~~ 5. A ~~customer~~ person who violates this section by soliciting a child for prostitution:

(a) For a first offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130, and by a fine of not more than \$5,000.

(b) For a second offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, 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 maximum term of not more than 6 years, and may be further punished by a fine of not more than \$15,000. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

~~7.~~ 6. Any civil penalty collected by a district attorney or city attorney pursuant to subsection ~~5~~ 4 must be deposited in the county or city treasury, as applicable, to be used for:

(a) The enforcement of this section; and

(b) Programs of treatment for persons who solicit prostitution which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

↪ Not less than 50 percent of the money deposited in the county or city treasury, as applicable, pursuant to this subsection must be used for the enforcement of this section.

~~8.~~ 7. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or 5.055 to participate in a program for the treatment of persons who solicit prostitution, upon fulfillment of the terms and conditions of the program, the court may discharge the person and dismiss the proceedings against the person. If the court discharges the person and dismisses the proceedings against the person, a nonpublic record of the discharge and dismissal must be transmitted to and retained by the Division of Parole and

Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section for participation in a program of treatment for persons who solicit prostitution. Except as otherwise provided in this subsection, discharge and dismissal under this subsection is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for a second or subsequent conviction or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the proceedings. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the proceedings in response to an inquiry made of the person for any purpose. Discharge and dismissal under this subsection may occur only once with respect to any person. A professional licensing board may consider a proceeding under this subsection in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

~~[9.]~~ 8. Except as limited by subsection ~~[10.]~~ 9. if a person is discharged and the proceedings against the person are dismissed pursuant to subsection ~~[8.]~~ 7. the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

~~[10.]~~ 9. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

~~[11.] If, at any time before the trial of a prostitute charged with a violation of subsection 1, the prosecuting attorney has reason to believe that the prostitute is a victim of sex trafficking, the prosecuting attorney shall dismiss the charge. As used in this subsection, "sex trafficking" means a violation of subsection 2 of NRS 201.300.]~~

Sec. 5. NRS 201.358 is hereby amended to read as follows:

201.358 1. A person who:

- (a) Violates NRS 201.354 ~~[5.]~~ or section 2 of this act; or
- (b) Works as a prostitute in a licensed house of prostitution,

↪ after testing positive in a test approved by the State Board of Health for exposure to the human immunodeficiency virus and receiving notice of that fact 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 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

2. As used in this section, "notice" means:

- (a) Actual notice; or
- (b) Notice received pursuant to NRS 201.356.

Sec. 6. NRS 207.203 is hereby amended to read as follows:

207.203 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who commits a violation of NRS 207.200 by trespassing on the premises of a licensed gaming establishment and who has previously been convicted of three violations of NRS 201.354 *or section 2 of this act* within the immediately preceding 5 years is guilty of a misdemeanor and shall be punished by:

- (a) A fine of \$1,000;
- (b) Imprisonment in the county jail for not more than 6 months; or
- (c) Both fine and imprisonment.

↪ In lieu of all or a part of the punishment which may be imposed pursuant to this subsection, the person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in NRS 176.087.

2. The court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place the person on probation upon terms and conditions that must include attendance and successful completion of:

- (a) A counseling or educational program; or
- (b) In the case of a person dependent upon substances, a program of treatment and rehabilitation pursuant to NRS 176A.230 if the court determines that the person is eligible for participation in such a program.

3. Upon violation of a term or condition, the court may enter a judgment of conviction and punish the person as provided in subsection 1.

4. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him or her.

5. Except as otherwise provided in subsection 6, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the person for any purpose. Discharge and dismissal under this section may only occur once with respect to any person.

6. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for

misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

7. Before the court assigns a person to a program pursuant to this section, the person must agree to pay the cost of the program to which the person is assigned and the cost of any additional supervision required, to the extent of the financial resources of the person. If the person does not have the financial resources to pay all of the related costs, the court shall, to the extent practicable, arrange for the person to be assigned to a program at a facility that receives a sufficient amount of federal or state funding to offset the remainder of the costs.

8. As used in this section, “licensed gaming establishment” has the meaning ascribed to it in NRS 463.0169.

Sec. 7. NRS 4.373 is hereby amended to read as follows:

4.373 1. Except as otherwise provided in subsections 2 and 3, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a justice of the peace may suspend, for not more than 2 years, the sentence or a portion thereof of a person convicted of a misdemeanor. If the circumstances warrant, the justice of the peace may order as a condition of suspension, without limitation, that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of community service, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct, or comply with any other condition, deemed appropriate by the justice of the peace;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the justice of the peace may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:

(a) A program of treatment for alcohol or drug use disorder, or both, which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or

(c) The programs set forth in paragraphs (a) and (b),
 ↪ and that the person comply with any other condition of suspension ordered by the justice of the peace.

3. Except as otherwise provided in this subsection, if a ~~person~~ *customer of a prostitute* is convicted of a misdemeanor that constitutes solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the justice of the peace may suspend the sentence for not more than 2 years upon the condition that the person:

(a) Actively participate in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services; and

(b) Comply with any other condition of suspension ordered by the justice of the peace.

↪ The justice of the peace may not suspend the sentence of a person pursuant to this subsection if the person has previously participated in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

4. The justice of the peace may order reports from a person whose sentence is suspended at such times as the justice of the peace deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the justice of the peace, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

5. The justice of the peace may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 8. NRS 5.055 is hereby amended to read as follows:

5.055 1. Except as otherwise provided in subsections 2 and 3, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a municipal judge may suspend, for not more than 2 years, the sentence or a portion thereof of a person convicted of a misdemeanor. If the circumstances warrant, the municipal judge may order as a condition of suspension, without limitation, that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of community service, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct, or comply with any other condition, deemed appropriate by the municipal judge;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using any controlled substance or alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the municipal judge may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:

(a) A program of treatment for alcohol or drug use disorder, or both, which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or

(c) The programs set forth in paragraphs (a) and (b),

➔ and that the person comply with any other condition of suspension ordered by the municipal judge.

3. Except as otherwise provided in this subsection, if a ~~person~~ *customer of a prostitute* is convicted of a misdemeanor that constitutes solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the municipal judge may suspend the sentence for not more than 2 years upon the condition that the person:

(a) Actively participate in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services; and

(b) Comply with any other condition of suspension ordered by the municipal judge.

➔ The municipal judge may not suspend the sentence of a person pursuant to this subsection if the person has previously participated in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

4. The municipal judge may order reports from a person whose sentence is suspended at such times as the municipal judge deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the municipal judge, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

5. The municipal judge may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 9. NRS 62C.015 is hereby amended to read as follows:

62C.015 1. A child must not be adjudicated as delinquent or in need of supervision for engaging in prostitution or solicitation for prostitution pursuant

to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030 ~~or~~ or section 2 of this act.

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

(a) The child is alleged to have violated:

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

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

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

3. If a court finds that a child committed an act described in subsection 2 and that clear and convincing evidence exists that the child committed the act in connection with commercial sexual exploitation, the court shall not adjudicate the child as a delinquent child or a child in need of supervision based on that act. Upon such a finding, the court shall report the commercial sexual exploitation of the child to an agency which provides child welfare services.

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

5. As used in this section:

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

(b) "Commercially sexually exploited child" has the meaning ascribed to it in NRS 424.0195.

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

Sec. 10. NRS 62E.275 is hereby amended to read as follows:

62E.275 1. If a child has been adjudicated delinquent for an unlawful act listed in subsection 2, the child may petition the juvenile court for an order:

(a) Vacating the adjudication; and

(b) Sealing all records relating to the adjudication.

2. A child may file a petition pursuant to subsection 1 if the child was adjudicated delinquent for an unlawful act in violation of:

(a) NRS 201.354 ~~or~~ or section 2 of this act, for engaging in prostitution or solicitation for prostitution, provided that the child was not alleged to be a customer of a prostitute;

(b) NRS 207.200, for unlawful trespass;

(c) Paragraph (b) of subsection 1 of NRS 463.350, for loitering; or

(d) A county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

3. The juvenile court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was adjudicated delinquent for an unlawful act described in subsection 2;

(b) The participation of the petitioner in the unlawful act was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

4. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the district attorney and the chief probation officer or the Chief of the Youth Parole Bureau and allow any person who has evidence that is relevant to consideration of the petition to testify at the hearing on the petition; and

(b) Take into consideration any reasonable concerns for the safety of the petitioner, family members of the petitioner or other victims that may be jeopardized by the granting of the petition.

5. If the court grants a petition filed pursuant to subsection 1, the court shall:

(a) Vacate the adjudication and dismiss the accusatory pleading; and

(b) Order sealed all records relating to the adjudication.

6. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 62H.130 or the juvenile court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the juvenile court may enter an order to vacate the adjudication and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the adjudication to be vacated.

7. If the juvenile court enters an order pursuant to subsection 6, the court shall also order sealed all records of the petitioner which relate to the adjudication being vacated in accordance with paragraph (b) of subsection 5, regardless of whether any records relating to other adjudications are ineligible for sealing either by operation of law or because of a deficiency in the petition.

Sec. 11. NRS 179.247 is hereby amended to read as follows:

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

(b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

2. A person may file a petition pursuant to subsection 1 if the person was convicted of:

(a) A violation of NRS 201.354 ~~+~~ or section 2 of this act, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;

(b) A crime under the laws of this State, other than a crime of violence; or

(c) A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

3. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245.

4. The court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was convicted of a violation of an offense described in subsection 2;

(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

5. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in the county in which the petitioner was convicted and allow the prosecuting attorney who prosecuted the petitioner for the crime and any person to testify and present evidence on behalf of any such entity; and

(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.

6. If the prosecuting attorney who prosecuted the petitioner for the crime stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court may vacate the judgment and seal all documents, papers and exhibits in accordance with subsection 7 without a hearing. If the prosecuting attorney does not stipulate to vacating the judgment and sealing the documents, papers and exhibits, a hearing on the petition must be conducted.

7. If the court grants a petition filed pursuant to subsection 1, the court shall:

- (a) Vacate the judgment and dismiss the accusatory pleading; and
- (b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

8. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

9. If the court enters an order pursuant to subsection 8, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 7, regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

10. As used in this section, "crime of violence" means:

- (a) Any offense involving the use or threatened use of force or violence against the person or property of another; or
- (b) Any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.

Sec. 12. NRS 644A.850 is hereby amended to read as follows:

644A.850 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of an establishment for hair braiding, a cosmetological establishment, a licensed or registered, as applicable, esthetician, cosmetologist, hair designer, shampoo technologist, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics, makeup artist or school of cosmetology to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Failure of a cosmetologist's apprentice, electrologist's apprentice, esthetician's apprentice, hair designer's apprentice or nail technologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(c) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(d) Gross malpractice.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(g) Advertising in violation of any of the provisions of NRS 644A.800 or 644A.935.

(h) Permitting a license or certificate of registration to be used where the holder thereof is not personally, actively and continuously engaged in business.

(i) Failure to display the license or certificate of registration or a duplicate of the license or certificate of registration as provided in NRS 644A.530, 644A.535, 644A.615, 644A.665 and 644A.710.

(j) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(k) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(l) Engaging in prostitution or solicitation for prostitution in violation of NRS 201.354 or section 2 of this act by the owner of a cosmetological establishment, an establishment for hair braiding or a facility in which threading is conducted, a licensee or a holder of a certificate of registration.

(m) Failure to comply with the provisions of NRS 454.217 or 629.086.

(n) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license or certificate of registration;

(b) Revoke or suspend a license or certificate of registration;

(c) Place the licensee or holder of a certificate of registration on probation for a specified period;

(d) Impose a fine not to exceed \$2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

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

Sec. 13. NRS 644A.855 is hereby amended to read as follows:

644A.855 1. If the holder of a license or certificate of registration to operate a cosmetological establishment, an establishment for hair braiding or a facility in which threading is conducted or any other licensee or a holder of a certificate of registration issued pursuant to this chapter is charged with or cited for prostitution in violation of NRS 201.354 or section 2 of this act or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director of the Board. Upon receiving such a report, the Executive Director shall immediately forward the report to the Board or the Chair of the Board. The Board must meet as soon as practicable to consider the report. If the Board finds that the health, safety or welfare of the public imperatively require emergency action and issues a cease and desist order, the Executive Director shall immediately send the cease and desist order by certified mail to the licensee or holder of the certificate of registration. The temporary suspension of the license or certificate of

registration is effective immediately after the licensee or holder of the certificate of registration receives notice of the cease and desist order and must not exceed 15 business days. The licensee or holder of the certificate of registration may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the Executive Director mails the cease and desist order. If the licensee or holder of the certificate of registration:

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall schedule a hearing and notify the licensee or holder of the certificate of registration immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Executive Director mails the cease and desist order. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

2. For purposes of this section, a person is deemed to have notice of a temporary suspension of his or her license or certificate of registration:

(a) On the date on which the notice is personally delivered to the person; or

(b) If the notice is mailed, 3 days after the date on which the notice is mailed by certified mail to the last known business or residential address of the person.

~~{Sec. 2.}~~ *Sec. 14.* This act becomes effective on July 1, 2021.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Senate Amendment No. 821 amends Senate Bill No. 164 to revise the criminal penalties associated with persons engaging in prostitution, or the solicitation of prostitution, outside of a licensed house of prostitution. Additionally, Senate Amendment No. 821 makes conforming changes to align existing language detailing the responsibilities of peace officers who detain, arrest or cite a person for illegally engaging in prostitution or soliciting prostitution with the new language contained in section 2 of Senate Bill No. 164.

Amendment adopted.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 164 revises the criminal penalties for a person engaging in prostitution or solicitation of prostitution outside of a licensed house of prostitution. Senate Bill No. 164 also

makes several conforming changes to align existing statutory language with the new provisions of section 2 of Senate Bill No. 164.

Roll call on Senate Bill No. 164:

YEAS—21.

NAYS—None.

Senate Bill No. 164 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 267.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 820.

SUMMARY—~~Establishes provisions relating to the collection and reporting of information.~~ Authorizes the University of Nevada, Las Vegas, to conduct a study concerning diversity and equality in the workplace. (BDR ~~(19-461)~~ S-461)

~~AN ACT relating to workplace diversity; requiring the Department of Taxation to develop in consultation with the Legislative Commission authorizing the University of Nevada, Las Vegas, to conduct a study concerning diversity and equality in the workplace and to conduct a survey to collect data and information concerning diversity and equality in the workplace from corporations and state and local governmental agencies in this State; authorizing corporations in this State to use the survey to submit annual reports to the Department of Taxation and to make such reports available on their Internet websites; requiring local governmental agencies to use the survey to submit annual reports to the Department of Taxation; requiring state governmental agencies to use the survey to submit annual reports to the Division of Human Resource Management of the Department of Administration; requiring the Department of Taxation to make the survey, the annual reports submitted to the Department of Taxation and aggregate data relating to such reports available on its Internet website; requiring the Division to make the annual reports submitted to the Division and aggregate data relating to such reports available on its Internet website; requiring the Department of Taxation and the Division to each submit an annual report to the Governor and the Director of the Legislative Counsel Bureau and make such reports available on their Internet websites; authorizing the Department of Taxation and the Division to adopt regulations;~~ certain business entities and state and local governmental agencies in this State; revising the prospective expiration of an existing survey of businesses conducted by the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to design and conduct an annual survey of businesses in this State to collect data and information pertaining to issues of gender equality in the workplace; however, the provisions relating to

the survey are currently only effective through December 31, 2022. (NRS 75A.400-75A.430; section 7 of chapter 434, Statutes of Nevada 2017, at page 2896) This bill ~~establishes provisions concerning an annual survey of corporations and state and local governmental agencies in this State with regard to issues of diversity and equality in the workplace.~~

~~—Section 6 of this bill requires the Department of Taxation to develop, in consultation with the Legislative Commission, a survey to be used to collect data and information relating to issues of diversity and equality in the workplace from corporations and state and local governmental agencies in this State. Section 6 sets forth the information to be provided in the survey and requires the survey to be signed by an officer of the corporation or his or her designee, or the director, executive head or other person who is responsible for the state or local governmental agency or his or her designee, as applicable, who is authorized to complete the survey on behalf of the corporation or state or local governmental agency.~~

~~—Section 7 of this bill: (1) authorizes corporations to use the survey developed by the Department to submit an annual report to the Department and, if the corporation has an Internet website, to make the annual reports available on the website, with any personally identifiable information redacted; and (2) requires local governmental agencies to use the survey developed by the Department to submit an annual report to the Department.~~

~~—Section 8 of this bill requires the Department to make available on its Internet website: (1) the survey developed by the Department; (2) the annual reports submitted by corporations and local governmental agencies; and (3) aggregate data relating to the annual reports. Section 8 requires that any personally identifiable information contained in a report must be redacted before the report or aggregate data relating to the report is posted on the website of the Department. Section 9 of this bill requires the Department to compile annually the information contained in the reports submitted to the Department into one report and submit the report to the Governor and the Director of the Legislative Counsel Bureau. Section 10 of this bill authorizes the Department to adopt regulations to carry out the provisions of sections 6-9 of this bill.~~

~~—Section 10.2 of this bill requires state governmental agencies to use the survey developed by the Department to submit an annual report to the Division of Human Resource Management of the Department of Administration. Section 10.4 requires the Division to make available on its Internet website: (1) the annual reports submitted by state governmental agencies; and (2) aggregate data relating to the annual reports. Section 10.4 requires that any personally identifiable information contained in a report must be redacted before the report or aggregate data relating to the report is posted on the website of the Division. Section 10.6 of this bill requires the Division to compile annually the information contained in the reports submitted to the Division into one report and submit the report to the Governor and the Director of the Legislative Counsel Bureau. Section 10.8 of this bill authorizes the~~

~~Division to adopt regulations to carry out the provisions of sections 10.2-10.6 of this bill.~~

~~Section 13 of this bill makes a conforming change to exclude the information redacted from reports in sections 8, 9, 10.4 and 10.6 from the provisions of existing law relating to public records.] : (1) authorizes the University of Nevada, Las Vegas, to conduct a study concerning diversity and equality in the workplace and to conduct a survey to collect data and information from certain business entities and state and local governmental agencies in this State; and (2) revises the prospective expiration of the existing provisions of law relating to the annual survey of businesses conducted by the Secretary of State by making those provisions expire by limitation on December 31, 2021, instead of on December 31, 2022.~~

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

Delete existing sections 1 through 16 of this bill and replace with the following new sections 1 through 6:

Section 1. As used in this act:

1. "Business entity" means a corporation, partnership, limited-liability company, business association, joint venture, limited-liability partnership, business trust, professional association, joint stock company or holding company that is required to pay an annual commerce tax pursuant to chapter 363C of NRS.

2. "Entity" means a business entity, local governmental agency or state governmental agency.

3. "Local governmental agency" has the meaning ascribed to it in NRS 242.061.

4. "State governmental agency" has the meaning ascribed to the term "state agency" in NRS 237.350 and includes, without limitation, the Nevada System of Higher Education and all institutions operated by the System.

5. "UNLV" means the University of Nevada, Las Vegas.

Sec. 2. 1. UNLV may elect to conduct a study concerning diversity and equality in the workplace. If UNLV elects to conduct the study:

(a) UNLV must conduct a survey for the purpose of collecting data and information concerning diversity and equality in the workplace, including, without limitation, data and information specifically relating to women and women of color, from business entities that do business in this State, state governmental agencies and local governmental agencies; and

(b) A business entity, state governmental agency or local governmental agency may elect to complete the survey and submit it to UNLV.

2. If UNLV elects to conduct the study, the survey conducted by UNLV must request the entity completing the survey to provide, without limitation, the following information, as applicable to the entity:

(a) The name of the entity.

(b) The number of employees of the entity who are:

(1) Located in this State.

- (2) Women located in this State.
- (3) Women of color located in this State.
- (c) The number of people in the entity who are:
 - (1) If the entity is a corporation:
 - (I) On the board of directors.
 - (II) Women who are on the board of directors.
 - (III) Women of color who are on the board of directors.
 - (IV) Employed in an executive position.
 - (V) Women who are employed in an executive position.
 - (VI) Women of color who are employed in an executive position.
 - (2) Women.
 - (3) Women of color.
- (d) The number of:
 - (1) People who are employed in a management position.
 - (2) Women who are employed in a management position.
 - (3) Women of color who are employed in a management position.
- (e) Whether the entity has employee development initiatives in place for administrative or skilled staff who are interested in advancing their career paths, including, without limitation, tuition reimbursement, professional development, payment for conferences, business interest groups or a public commitment to gender inclusion.
- (f) Whether the entity has undertaken a pay equity analysis and, if so, whether the results indicated that there were any discernable differences in pay.
- (g) With regard to the 20 highest-paid people in the entity as determined by salary, bonuses and any other incentives, such as stock options, the number of those people who are:
 - (1) Women.
 - (2) Women of color.
- (h) With regard to the hiring practices of the entity, whether the entity:
 - (1) Participates in diversity job fairs.
 - (2) Has a diverse hiring committee.
 - (3) Assesses the skill sets of candidates without regard to gender.
 - (4) Uses gender-neutral job descriptions.
- (i) With regard to the issue of anti-harassment, including, without limitation, sexual harassment, whether the entity:
 - (1) Has an anti-harassment policy in place.
 - (2) Offers formal anti-harassment training.
- (j) With regard to cultural training, whether the entity provides training relating to diversity and inclusion and, if so, whether such training includes specific training regarding:
 - (1) Implicit bias.
 - (2) Unconscious bias.
 - (3) Microaggressions.
 - (4) Fostering an inclusive environment.

(5) Improving engagement.

(k) With regard to workplace policies and benefits:

(1) Whether the entity offers:

(I) Employer-paid family leave and, if so, the number of weeks offered.

(II) Variable work schedules for caregivers.

(III) Options to work from home.

(IV) On-site child care, off-site child care or employer-paid child care subsidies.

(2) Whether there are any policies or benefits the entity is currently pursuing but has not yet implemented and, if so, a list of such policies or benefits.

(l) With regard to health care, whether the entity's policies cover:

(1) Birth control.

(2) Maternity.

(3) In vitro fertilization.

(m) The number and types of positions within the entity that are currently vacant.

(n) The rate of attrition within the entity.

→ A completed survey must be signed by a person who is authorized to complete the survey on behalf of the entity.

3. As used in this section:

(a) "Executive position" means a position in which a person is employed as a vice president, senior vice president or executive vice president or in a role that is superior to such positions.

(b) "Management position" means a position in which a person is employed as a manager or in a role that is superior to a manager.

(c) "Pay equity analysis" means a formal study regarding equity in salaries.

(d) "Woman" means a person who self-identifies as a woman, without regard to the person's designated sex at birth.

(e) "Woman of color" means a woman who self-identifies as Black, African-American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian or Alaska Native.

Sec. 3. If UNLV elects to conduct the study pursuant to section 2 of this act:

1. To assist UNLV in facilitating outreach to business entities that do business in this State and encouraging participation in the survey, the Department of Taxation shall provide to UNLV information about the identity of business entities in this State and the contact information for such business entities. The Department shall not, pursuant to this subsection, provide to UNLV or to any other person any information relating to a business entity other than the name of the business entity and its contact information. Any information provided by the Department pursuant to this subsection is not a public record for the purposes of chapter 239 of NRS.

2. The provisions of NRS 360.255 do not apply to any records or files of the Department or other information or data that is obtained, maintained or disclosed by the Department pursuant to this section.

Sec. 4. If UNLV elects to conduct the study pursuant to section 2 of this act:

1. UNLV must:

(a) Submit annual reports relating to the results of the survey to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission; and

(b) Make such periodic reports available on its Internet website.

2. UNLV shall not include any personally identifiable information in a report submitted to the Governor and the Director of the Legislative Counsel Bureau pursuant to this section.

Sec. 5. Section 7 of chapter 434, Statutes of Nevada 2017, at page 2896, is hereby amended to read as follows:

Sec. 7. This act becomes effective on July 1, 2017, and expires by limitation on December 31, ~~2022~~, 2021.

Sec. 6. 1. This section and section 5 of this act become effective upon passage and approval.

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

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

(b) On January 1, 2022, for all other purposes.

3. Sections 1 to 4, inclusive, of this act expire by limitation on January 1, 2026.

Senator Brooks moved the adoption of the amendment.

Remarks by Senators Brooks, Pickard, Spearman and Kieckhefer.

SENATOR BROOKS:

Amendment No. 820 amends Senate Bill No. 267 by replacing sections 1 through 16 with new sections 1 through 6. First, Amendment No. 820 deletes sections 1 through 16 of Senate Bill No. 267. Second, Amendment No. 820 authorizes UNLV to conduct a study concerning diversity and equality in the workplace and to conduct a survey to collect data and information concerning diversity and equality in the workplace from certain business entities and State and local government agencies in this State. Finally, Amendment No. 820 revises the prospective expiration of an existing survey of businesses conducted by the Secretary of State by making those provisions expire by limitation on December 31, 2021, instead of December 31, 2022.

SENATOR PICKARD:

Does the amendment require UNLV to maintain the confidentiality of the Commerce Tax list, given that it is confidential, or does it allow UNLV to use the list as they wish?

SENATOR BROOKS:

In section 3, subsection 2, of the amendment, it states, "The provisions of NRS 360.255 do not apply to any records or files of the Department or other information or data that is obtained, maintained or disclosed by the Department pursuant to this section."

SENATOR PICKARD:

I am trying to figure out if that requires UNLV to maintain confidentiality.

SENATOR BROOKS:

I will quickly look up that section of NRS and get back to the Body.

SENATOR SPEARMAN:

I spoke to LCB this afternoon, and they confirmed that the privacy my colleague from Senate District 21 is concerned about is in there already.

SENATOR KIECKHEFER:

I also spoke with LCB this afternoon and differ with my colleague. The provisions of NRS 360.255 outlined in section 3, subsection 2, are the very provisions that require the Department of Taxation to keep our tax records confidential. Now, the Department of Taxation has no authority to release any information regarding specific taxpayer information. You could not call the Department of Taxation and ask for a list of businesses in the State that pay the Commerce Tax or that have Commerce Tax liability. This exemption specifically makes the records turned over to UNLV as a part of this bill is exempt from that provision. They included that so the Department of Taxation could turn them over. There is no carry forward of that confidentiality to the agencies that receives the records. When the Department of Taxation turns records over to the LCB Fiscal Division to do revenue projections or things like that, they will not give us specific information about taxpayers because they have an MOU that specifically prohibits that. The confidentiality of specific taxpayer information is paramount, and this amendment blows a massive hole in it.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 40.

Bill read third time.

Remarks by Senator Donate.

Assembly Bill No. 40 revises provisions relating to petroleum storage tanks and the Board to Review Claims in the Division of Environmental Protection of the State Department of Conservation and Natural Resources. Specifically, the bill requires that before a storage tank is eligible for the coverage of certain costs from the Fund for Cleaning Up Discharges of Petroleum, the operator must meet certain requirements. It increases the total amount paid from the Fund in any one fiscal year to certain operators from \$1.9 million to \$1.95 million each for cleanup and liability for damages. It provides that any further cost for cleaning up certain discharges, which is in excess of the amount paid to an operator from the Fund, must be paid by the operator unless certain conditions are met, then the Board may approve additional allotments of not more than \$1 million each. It revises the method by which certain members of the Board are nominated. It removes the definition of "small business" in existing law and, instead, requires the Board to define the term by regulation.

Roll call on Assembly Bill No. 40:

YEAS—21.

NAYS—None.

Assembly Bill No. 40 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 67.

Bill read third time.

The following amendment was proposed by Senator Denis:

Amendment No. 768.

SUMMARY—Revises provisions relating to education. (BDR 34-293)

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

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

Sections 12 ~~[13]~~ and 15 of this bill define ~~["expel," "permanently expel"]~~ "expel" and "suspend," respectively, for the purposes of school discipline. ~~[Sections 6, 8, 23 and 24 of this bill revise the circumstances in which a pupil may be suspended, expelled or permanently expelled.]~~ Existing law authorizes a pupil who is enrolled in or participating in a program of special education to be suspended or permanently expelled in certain circumstances. (NRS 388A.495, 388C.150, 392.466, 392.467) Sections 6, 8, 19, 22, 23 and 24 instead authorize a pupil with a disability to be suspended, expelled or permanently expelled in certain circumstances, while section 14 of this bill defines "pupil with a disability." Section 4 of this bill makes a conforming change to a reference to section 6. ~~[Sections 1, 5, 7, 9, 16, 21, 25]~~ Section 17 of this bill makes a conforming change to a reference to section 23. Sections 1-3, 5, 7, 9, 23 and ~~[26]~~ 24 of this bill make conforming changes relating to the terms defined in sections ~~[12-15.]~~ 12, 14 and 15. Section 15.5 of this bill requires the Department of Education to adopt regulations necessary to carry out certain provisions of the Nevada Revised Statutes related to pupil discipline. Section 26 of this bill makes a conforming change related to the regulatory authority of the Department.

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

one in which: (1) the pupil is prohibited from attending school for 3 or more consecutive days; and (2) a conference or communication with the parent or guardian of the pupil is required before the pupil may return to school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

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

3. As used in this section:

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

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

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

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

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

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

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

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

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

(c) The suspension ~~from expulsion~~ and ~~permanent~~ expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for

each school district, including, without limitation, each charter school in the district, and for this State as a whole.

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

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

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

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

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

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

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

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

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

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

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

2. As used in this section:

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

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

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

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

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

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

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

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

(b) Be disaggregated into subgroups of pupils; and

(c) Include occurrences of suspension ~~[, expulsion]~~ and ~~[permanent]~~ expulsion as separate offenses.

2. The Department shall:

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

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

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

3. *As used in this section:*

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

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

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

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

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

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

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

(a) Improving the academic achievement of pupils;

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

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

(d) Establishing accountability and transparency of public schools;

(e) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(f) Creating new professional opportunities for teachers.

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

4. A resume and background information for each person who serves on the board of the charter management organization or the committee to form a

charter school, as applicable, which must include the name, telephone number, electronic mail address, background, qualifications, any past or current affiliation with any charter school in this State or any other state, any potential conflicts of interest and any other information required by the sponsor.

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

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

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

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

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

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

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

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

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

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

15. A chart that clearly presents the proposed organizational structure of the charter school and a clear description of the roles and responsibilities of

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

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

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

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

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

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

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

22. A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

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

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

ensure that the lack of such food service or participation does not prevent pupils from attending the charter school.

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

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

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

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

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

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

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

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

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

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

(b) Require pupils to participate in assessments and submit course work;

(c) Conduct parent-teacher conferences; and

(d) Administer any test, examination or assessment required by state or federal law in a proctored setting.

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

(a) The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;

(b) The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;

(c) The scope of the services and resources that will be provided by the college or university;

(d) The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;

(e) The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and

(f) Any employees of the college or university who will serve on the governing body of the charter school.

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

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

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

(b) A term sheet that sets forth:

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

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

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

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

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

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

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

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

➡ *As used in this section, "pupil with a disability" has the meaning ascribed to it in NRS 388.417.*

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

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

- (a) Violated any law or regulation relating to the health and safety of pupils;
 - (b) Violated any law or regulation relating to the civil rights of pupils, except for a law or regulation described in subsection 1 of NRS 388A.396;
 - (c) Violated any law or regulation or policy of the sponsor of the charter school relating to the enrollment, suspension ~~f, expulsion~~ or ~~fpermanent~~ expulsion of pupils;
 - (d) Committed fraud, financial mismanagement or financial malfeasance;
- or
- (e) Committed academic dishonesty, including, without limitation, engaging in a policy or practice that has the intent or effect of inappropriately increasing the graduation rate or inappropriately increasing performance on assessments mandated by this State or the State Public Charter School Authority.

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

3. *As used in this section:*

- (a) *“Expulsion” has the meaning ascribed to it in section 12 of this act.*
- (b) ~~f“Permanent expulsion” has the meaning ascribed to it in section 13 of this act.~~
- ~~(c) “Suspension” has the meaning ascribed to it in section 15 of this act.~~

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

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

- (a) Written rules of behavior required of and prohibited for pupils attending the charter school; and
- (b) Appropriate punishments for violations of the rules.

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

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

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

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

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

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

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

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

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

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

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

7. *As used in this section:*

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

(b) ~~“*Permanently expel*” or “*permanent expulsion*” has the meaning ascribed to it in section 13 of this act.~~ *expelled*” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

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

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

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

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

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

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

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

2. *As used in this section:*

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

(b) ~~f"Permanently expel" has the meaning ascribed to it in section 13 of this act.~~

~~(c)~~ "Suspend" has the meaning ascribed to it in section 15 of this act.

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

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

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

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

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

4. A pupil *with a disability* who is at least 11 years of age and who is enrolled in a university school for profoundly gifted pupils ~~[and participating in a program of special education pursuant to NRS 388.419]~~ may, in accordance with the procedural policy adopted by the governing body of the university school for such matters and only after the governing body *or its designee* has reviewed the circumstances and determined that the action is in

compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

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

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

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

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

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

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

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

7. *As used in this section:*

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

(b) ~~“*Permanently expel*” or “*permanent expulsion*” has the meaning ascribed to it in section 13 of this act.~~ *expelled*” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

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

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

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

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

(a) Enrolled full-time in public school;

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

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

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

→ may complete any required or elective course by independent study outside of the normal classroom setting. A program of independent study provided

pursuant to this section may be offered through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

2. The regulations must:

(a) Require that:

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

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

or

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

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

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

5. *As used in this section:*

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

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

~~(c) "Suspend" or "suspension" has the meaning ascribed to it in section 15 of this act.~~

Sec. 10. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 15.5, inclusive, of this act.

Sec. 11. *As used in NRS 392.461 to 392.472, inclusive, and sections 11 to 15.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 12 to 15, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 12. "Expel" or "expulsion" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled for more than one school semester with the possibility of:

1. Except as otherwise provided in subsection 2, returning to the school in which the pupil is currently enrolled or another public school within the school district after the expulsion; and

2. Enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled during the period of expulsion.

Sec. 13. ~~"Permanently expel" or "permanent expulsion" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled.~~

~~1. Except as otherwise provided in subsection 2, without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and~~

~~2. With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.} (Deleted by amendment.)~~

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

Sec. 15. "Suspend" or "suspension" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled for not more than one school semester.

Sec. 15.5. The Department shall adopt any regulations necessary to carry out the provisions of NRS 392.461 to 392.472, inclusive, and sections 11 to 15.5, inclusive, of this act.

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

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

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

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

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

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

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

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

(a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;
 (b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;

- (c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;
- (d) Using a finger or hand to simulate a firearm or dangerous weapon;
- (e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and
- (f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

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

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

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

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

6. As used in this section:

(a) "Dangerous weapon" has the meaning ascribed to it in paragraph (b) of subsection ~~{11}~~ 12 of NRS 392.466.

(b) "Firearm" has the meaning ascribed to it in paragraph (c) of subsection ~~{11}~~ 12 of NRS 392.466.

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

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

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

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

~~(b) If the policy includes training:~~

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

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

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

~~(c) Provisions which prohibit:~~

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

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

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

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

~~—(a) Local law enforcement agencies;~~

~~—(b) School police officers, if any;~~

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

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

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

~~—4. As used in this section, “criminal gang” has the meaning ascribed to it in NRS 213.1263.] (Deleted by amendment.)~~

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

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

1. The Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

2. The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;

3. Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq.;

4. Any other federal law applicable to children with disabilities; and

5. The procedural policy adopted by the board of trustees of the school district for such matters.

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

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

~~—2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this~~

~~section may be assigned to a temporary alternative placement pursuant to which the pupil:~~

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

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

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

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

~~—(a) Required by NRS 392.466; or~~

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

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

~~(Deleted by amendment.)~~

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

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

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

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

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

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

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

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

~~3. Each school district shall compile the reports submitted to the school district pursuant to subsection 2 and, on or before July 1 of each year, submit~~

~~an annual report to the Legislative Committee on Education containing such information for all schools located in the school district.] (Deleted by amendment.)~~

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

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

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

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

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

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

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

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

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

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

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

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

(d) If the pupil ~~{has}~~ is a pupil with a disability , ~~{and is participating in a program of special education pursuant to NRS 388.419,}~~ an explanation of the effect of subsection 10 of NRS 392.466, including, without limitation, that if

it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a manifestation of the pupil's disability, he or she may be suspended ~~or expelled~~ or ~~permanently~~ expelled from school in the same manner as a pupil without a disability; and

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

4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

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

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

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

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

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

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

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

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

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

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

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to

the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

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

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

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

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

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

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

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

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

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

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

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

for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school. ~~and:~~

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

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

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

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

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

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school ~~permanently expelled~~ ~~or~~

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

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

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

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

7. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to a

suspension ~~/, expulsion/~~ or ~~/permanent/~~ expulsion pursuant to subsections 1 to 5, inclusive, if such modification is set forth in writing. The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.

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

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

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

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

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

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

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

12. As used in this section:

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

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

(c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the

definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) *“Permanently expelled” means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:*

(1) Except as otherwise provided in subparagraph (2), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(2) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

(e) “Restorative justice” has the meaning ascribed to it in subsection ~~6~~ 5 of NRS 392.472.

~~12.~~ 13. The provisions of this section do not prohibit a pupil who is suspended ~~, expelled,~~ or ~~permanently~~ expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil’s suspension ~~, expulsion,~~ or ~~permanent~~ expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

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

392.467 1. Except as otherwise provided in subsections 5 and 6 and NRS 392.466, the board of trustees of a school district *or its designee* may authorize the suspension ~~, expulsion,~~ or ~~permanent~~ expulsion of any pupil who is at least 11 years of age from any public school within the school district. Except as otherwise provided in *this subsection and subsection 3 of NRS 392.466*, a pupil who is ~~not more~~ less than ~~10~~ 11 years of age must not be permanently expelled from school. *In extraordinary circumstances, a school may request an exception to the prohibition set forth in this subsection against permanently expelling a pupil who is less than 11 years of age from school from the board of trustees of the school district.*

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

3. The board of trustees of a school district *or its designee* may authorize the expulsion, ~~permanent expulsion,~~ suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled

regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:

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

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

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

6. A pupil ~~[who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives early intervening services,] with a disability~~ may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters and only after the board of trustees of the school district *or its designee* has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

- (a) Suspended from school pursuant to this section for not more than 5 days for each occurrence ~~[.]~~ of *proscribed conduct*.
- (b) *Expelled from school pursuant to this section*.
- (c) Permanently expelled from school pursuant to this section.

7. *As used in this section, "permanently expelled" means the disciplinary removal of a pupil from the school in which the pupil is currently enrolled:*

(a) Except as otherwise provided in paragraph (b), without the possibility of returning to the school in which the pupil is currently enrolled or another public school within the school district; and

(b) With the possibility of enrolling in a program or public school for alternative education for pupils who are expelled or permanently expelled after being permanently expelled.

Sec. 25. ~~[NRS 392.4675 is hereby amended to read as follows:
392.4675 1. Except as otherwise provided in this section, a pupil who is suspended, expelled or permanently expelled from:
(a) Any public school in this State pursuant to NRS 392.466; or
(b) Any school outside of this State for the commission of any act which, if committed within this State, would be a ground for suspension, expulsion or permanent expulsion from public school pursuant to NRS 392.466,
is ineligible to attend any public school in this State during the period of that suspension, expulsion or permanent expulsion.
2. A school district or a charter school, if the charter school offers the applicable program, may allow a pupil who is ineligible to attend a public school pursuant to this section to enroll in:~~

- ~~—(a) An alternative program for the education of pupils at risk of dropping out of school provided pursuant to NRS 388.537;~~
 - ~~—(b) A program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended, expelled or permanently expelled from public school;~~
 - ~~—(c) A program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive;~~
 - ~~—(d) Any program of instruction offered pursuant to the provisions of NRS 388.550; or~~
 - ~~—(e) A challenge school;~~
- ~~— if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable school or program. A school district or charter school may conduct an investigation of the background of any such pupil to determine if the educational needs of the pupil may be satisfied without undue disruption to the school or program. If an investigation is conducted, the board of trustees of the school district or the governing body of the charter school shall, based on the results of the investigation, determine if the pupil will be allowed to enroll in such a school or program.~~
- ~~—3. The provisions of subsections 1 and 2 do not prohibit a pupil from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension, expulsion or permanent expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.]~~
- ~~(Deleted by amendment.)~~

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

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

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

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

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

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

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

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

~~6.]~~ As used in this section:

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

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

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

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

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

- (a) The Legislature of the State of Nevada.
- (b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.
- (c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

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

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

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

↪ prevails over the general provisions of this chapter.

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

Sec. 28. NRS 392.4657 is hereby repealed.

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

TEXT OF REPEALED SECTION

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

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

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

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 768 to Assembly Bill No. 67 changes provisions concerning "permanent expulsion" and "permanently expel." It removes provisions concerning the circumstances in which a pupil may be suspended, expelled or permanently expelled. It removes certain provisions concerning the adoption of plans and policies by school districts to ensure safe school environments. It requires Nevada's Department of Education to adopt regulations necessary to carry out provisions relating to pupil discipline. It also makes several conforming changes.

Amendment adopted.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 67 revises provisions relating to the discipline of a pupil from a public school, charter school or university school for profoundly gifted pupils. Specifically, the bill revises the categories of discipline used to discipline a student to include suspension, significant suspension and expulsion. The bill allows a pupil with a disability to be suspended, expelled or permanently expelled under certain circumstances in compliance with federal law. Assembly Bill No. 67 also requires Nevada's Department of Education to adopt regulations necessary to carry out provisions relating to pupil discipline. Additionally, Assembly Bill No. 67 provides that only significant suspensions will be considered when determining if a pupil is a habitual disciplinary problem. In extraordinary circumstances, a school may request an exception to the prohibition on permanently expelling a pupil less than 11 years of age.

The bill authorizes a designee of the board of trustees of a school district, the governing body of a university school for profoundly gifted pupils or the governing body of a charter school to take certain disciplinary actions. Finally, Assembly Bill No. 67 provides that the Open Meeting Law does not apply to disciplinary hearings or proceedings.

Roll call on Assembly Bill No. 67:

YEAS—21.

NAYS—None.

Assembly Bill No. 67 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 410.

The following Assembly amendment was read:

Amendment No. 805.

SUMMARY—Makes an appropriation to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety for the modernization program for the Nevada Criminal Justice Information System. (BDR S-1132)

AN ACT making an appropriation to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety for the modernization program for the Nevada Criminal Justice Information System; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety the sum of ~~[\$18,643,998]~~ \$15,643,998 for the continuing costs of the modernization program for the Nevada Criminal Justice Information System.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 2. This act becomes effective upon passage and approval.

Senator Brooks moved that the Senate concur in Assembly Amendment No. 805 to Senate Bill No. 410.

Remarks by Senator Brooks.

Amendment No. 805 to Senate Bill No. 410 changes the amount in section 1 from \$18,643,998 to \$15,643,998.

Motion carried by a constitutional majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 317, 423, 425, 429, 436; Senate Resolution No. 7; Assembly Bills Nos. 32, 52, 55, 146, 191, 192, 216, 284, 296, 356, 388, 399, 404, 410, 412, 419, 424.

Senator Settlemeyer moved that the Senate adjourn until Sunday, May 30, 2021, at 1:00 p.m.

Motion carried.

Senate adjourned at 11:51 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate