

# NEVADA LEGISLATURE

Eighty-Second Session, 2023

---

## ASSEMBLY DAILY JOURNAL

---

### THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), June 4, 2023

Assembly called to order at 1:45 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Assemblyman Toby Yurek.

Father, what a privilege it is to come together as representatives of this amazing state to conduct the business of our constituents and those who have entrusted us to be their voice. Father, I pray that You would be with each and every one of us as we approach the end days of this session, when sleep is deprived, patience is running thin, and emotions run high.

Father, I pray that You would give us grace and give us the courage to give grace to one another as we continue this work through this session to accomplish all that we have set before us. I pray that You would give us all an overwhelming sense of peace that can only come from You. Guide us and help us.

Father, I thank You for all of those who have made this sacrifice. I pray that You would be with our leadership as well, who is also in a pinch to make tough decisions to get us to where we need to be. Thank You again for this great privilege. Thank You for this time and opportunity to pause and reflect on You.

We pray this in the name of our Savior, Jesus Christ.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 266, 450, 467, 469, 475, 480, 492, 495, 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2023

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 46, 112, 130, 135, 151, 153, 161, 184, 226, 270.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 118, 191, 221, 385, 395.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

Senate Bill No. 118.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 191.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 221.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 385.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 395.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:54 p.m.

ASSEMBLY IN SESSION

At 8:07 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that all rules be suspended, and all Senate Bills be declared emergency measures under the *Constitution* and placed on third reading and final passage.

Motion carried.

Assemblywoman Jauregui moved that all bills with amendments be immediately placed at the top of the General File for the balance of the session.  
Motion carried.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 225, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

SELENA TORRES, *Chair*

*Mr. Speaker:*

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 118, 191, 221, 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SARAH PETERS, *Chair*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 58, 99, 189, 231, 241, 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 528, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 82, 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 2023

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 583 to Senate Bill No. 81; Assembly Amendments Nos. 625, 776 to Senate Bill No. 155; Assembly Amendment No. 628 to Senate Bill No. 272; Assembly Amendment No. 652 to Senate Bill No. 315; Assembly Amendment No. 627 to Senate Bill No. 331; Assembly Amendment No. 629 to Senate Bill No. 363; Assembly Amendment No. 630 to Senate Bill No. 434.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 721 to Senate Bill No. 60.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 8—Granting administrative leave to legislative employees in recognition of their service to the 82nd Session of the Nevada Legislature.

Assemblywoman Jauregui moved the adoption of the resolution.  
Resolution adopted.

By Assemblyman Yeager:

Assembly Resolution No. 10—Expressing appreciation to the staff of the Assembly for their service during the 82nd Session of the Nevada Legislature.

Assemblywoman Jauregui moved the adoption of the resolution.  
Resolution adopted.

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of June 4, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

KTVN Channel 2 News: Jay Akers.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 400 be taken from the Chief Clerk's Desk and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 246 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 400.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 941.

AN ACT relating to education; creating the Early Childhood Literacy and Readiness Account and authorizing grants from the Account for certain purposes; revising various provisions relating to the Commission on School Funding; **authorizing, under certain circumstances, the State Public Charter School Authority to award money to a charter school for the transportation of pupils;** authorizing a city or county to sponsor a charter school; **requiring a city or county that sponsors a charter school to annually report certain information;** revising provisions relating to the Teach Nevada Scholarship Program; creating the Nevada Teacher Advancement Scholarship Program; revising provisions governing the

promotion of pupils; revising provisions relating to the retention of pupils in the same grade; making appropriations; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Department of Education, to the extent money is available, to award grants to certain entities to support prekindergarten programs. (NRS 387.652-387.658) **Sections 11-14** of this bill create the Early Childhood Literacy and Readiness Account and authorize the Department to award grants to certain entities to support early childhood literacy and readiness programs. **Section 93.5** of this bill makes an appropriation to the Account.

Existing law creates the Commission on School Funding and establishes the duties of the Commission. (NRS 387.1246, 387.12463) **Section 22** of this bill: (1) requires the Department to engage in certain activities to support the Commission; and (2) authorizes the Commission to meet at any time. **Section 23** of this bill expands the duties of the Commission by requiring the Commission to: (1) review the academic progress made by pupils in each public school ~~and certain private schools that receive public money~~ in this State; and (2) review and consider strategies to improve the accessibility of existing and new programs within and between public schools. **Section 23** also eliminates the power of the Joint Interim Standing Committee on Education to review the recommendations of the Commission and determine whether to transmit the recommendations to the Governor or the Legislature and instead requires the Commission to transmit its recommendations to the Governor and the Legislature after considering the recommendations of the Joint Interim Standing Committee on Education. **Section 93** of this bill makes an appropriation to the Department to support the operations of the Commission.

Existing law requires each school district and each public school to create a report on or before October 1 of each year that includes certain information about the number and kinds of personnel and services provided by the school district or public school, respectively, during the immediately preceding school year and any changes anticipated by the school district or public school. (NRS 387.12468) **Section 24** of this bill requires the Department to prepare any reports or provide any data necessary for a school district or public school to produce such reports. **Section 93** makes an appropriation to the Department to support the completion of such reports.

Existing law: (1) requires the State Public Charter School Authority to sponsor charter schools; and (2) authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to apply to the Department for authorization to sponsor charter schools. (NRS 388A.220) **Section 32** of this bill: (1) authorizes a city or county to apply to the Department for authorization to sponsor charter schools; (2) prohibits a city or county from sponsoring a new charter school or expanding the enrollment or authorizing an additional campus of an existing charter school sponsored by the city or county if the total number of pupils enrolled

in charter schools ~~that~~ **sponsored by** the city or county exceeds a certain percentage of pupils in public schools **in the city or county** other than charter schools ~~that~~ **that are not sponsored by the city or county;** and (3) limits a city or county to sponsoring a charter school within the territory of the city or county. **Section 34** of this bill makes conforming changes to refer to provisions that have been renumbered by **section 32. Sections 1-5, 7, 8, ~~28-31,~~ 28, 29-31, 33-39, 50-52 and 75** of this bill authorize a city or county approved by the Department to, in general, sponsor charter schools in the same manner as the board of trustees of a school district or a college or university within the Nevada System of Higher Education.

**Existing law imposes certain reporting requirements on the governing body of each charter school or the sponsor of a charter school. (NRS 388A.345-388A.355) Section 28.7 of this bill requires a city or county that sponsors a charter school to report annually to the Department, the State Public Charter School Authority and the Director of the Legislative Counsel Bureau certain information relating to the charter school and pupils enrolled in the charter school.**

**Section 28.5 of this bill: (1) authorizes, under certain circumstances, the State Public Charter School Authority to award money to a charter school for the transportation of pupils to the extent money has been appropriated for that purpose; and (2) requires a charter school that wishes to receive such money to submit a transportation plan to the State Public Charter School Authority. Section 28.5 authorizes the State Public Charter School Authority to approve the transportation plan of a charter school if it makes certain determinations. Section 93.3 of this bill makes an appropriation to the State Public Charter School Authority to award money to charter schools for the transportation of pupils.**

Existing law establishes the Teach Nevada Scholarship Program, which awards grants to public or private universities, colleges or other providers of an alternative licensure program in this State to award scholarships to students who attend the university, college or provider to complete a program which is approved by the State Board of Education and upon completion: (1) makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject of special education; or (2) allows a student to specialize in early childhood education. (NRS 391A.580) **Section 56** of this bill requires the State Board to annually review and report on the Teach Nevada Scholarship Program. **Section 67** of this bill makes a conforming change to indicate the proper placement of **section 56** in the Nevada Revised Statutes. **Section 68** of this bill: (1) revises provisions relating to the priority of grant awards for the Teach Nevada Scholarship Program; and (2) requires a student to have graduated from a high school in this State or a county that borders this State and accepts pupils from this State or who have successfully completed the high school equivalency assessment selected by the State Board before 20 years of age to be eligible for a Teach Nevada Scholarship. **Section 69** of this bill increases the maximum amount of a Teach Nevada Scholarship

to match the cost of receiving a bachelor's degree at a public university in this State.

**Sections 57-66** of this bill create the Nevada Teacher Advancement Scholarship Program, which, in general, is structured similarly to the Teach Nevada Scholarship Program. **Section 63** of this bill allows a Nevada Teacher Advancement Scholarship to be used to obtain a master's degree in education or a related field of study. **Section 63** similarly requires 25 percent of an award of a Nevada Teacher Advancement Scholarship to be retained by the State Board, and **section 64** allows this amount to be released to a scholarship recipient if he or she maintains employment as a teacher at a public school in this State for 3 consecutive school years immediately following completion of the program for which the Nevada Teacher Advancement Scholarship was awarded. **Section 93.7** of this bill makes an appropriation to the Nevada Teacher Advancement Scholarship Program Account.

Existing law requires an elementary school to provide intervention services and intensive instruction to a pupil during the time the pupil attends the school if the pupil does not obtain a score in the subject area of reading on the criterion-referenced examination in reading that meets the score prescribed by the State Board. Existing law also authorizes the principal of such a school to retain the pupil, rather than promote the pupil to the next grade, in certain circumstances, in consultation with a literacy specialist and certain other persons. (NRS 388A.487, 392.760) **Sections 71 and 72** of this bill require a pupil enrolled in grade 3 to be retained in grade 3, rather than promoted to grade 4, if the pupil does not obtain the score in the subject area of reading on a uniform examination in reading that meets the score prescribed by the State Board or receive an exemption by the superintendent of schools of the school district or governing body of the charter school. **Sections 71 and 72** also authorize a pupil to receive a good-cause exemption to allow the pupil to be promoted to grade 4 without obtaining such a score and require the State Board to prescribe an alternative examination for pupils who do not obtain such a score. **Section 40** of this bill requires a pupil enrolled in a charter school to be retained in grade 3 under similar circumstances. **Section 76** of this bill revises the information that must be included in a written notice provided to the parent or legal guardian of a pupil enrolled in kindergarten or grade 1, 2 or 3 who exhibits a deficiency in the subject area of reading. **Section 77** of this bill requires a school to provide certain intervention services and intensive instruction to a pupil who does not obtain a passing score in the subject area of reading regardless of whether the pupil is retained in grade 3. **Section 77** additionally: (1) requires literacy specialists and personnel with knowledge and expertise relating to providing intervention services and intensive instruction to pupils who are deficient in the subject area of reading to, in addition to any other duties, provide such services and instruction to such pupils; and (2) requires each public school to offer summer school to a pupil in second or third grade who is deficient in the subject area of reading. **Sections 40 and 78** of this bill require certain information relating to pupils with a

deficiency in reading who were retained in grade 3 or not retained due to a good-cause exemption to be included in the annual report of pupils receiving intervention services and intensive instruction to address a deficiency in reading. **Sections 6 and 74** of this bill make conforming changes to refer to provisions that have been renumbered by this bill.

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

**Section 1.** NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district pursuant to NRS 392.457;
2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385A.320 and similar information in the annual report of accountability prepared by the State Public Charter School Authority and a college or university within the Nevada System of Higher Education *or city or county* that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;
3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;
4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;
5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;
6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;
7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are English learners;
8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;
9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635; and
10. On or before February 1 of each year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature in odd-



numbered years and to the Legislative Commission in even-numbered years, describing the activities of the Advisory Council and any recommendations for legislation.

**Sec. 2.** NRS 385A.070 is hereby amended to read as follows:

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

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

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

accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

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

**Sec. 3.** NRS 385A.080 is hereby amended to read as follows:

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

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

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

(c) Consult with a representative of the:

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

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

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

**Sec. 4.** NRS 385A.090 is hereby amended to read as follows:

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

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

- (1) Governor;

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

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

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

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

**Sec. 5.** NRS 385A.240 is hereby amended to read as follows:

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

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

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

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled

in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

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

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

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

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

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

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

2. 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. On or before September 30 of each year:

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

(b) The State Public Charter School Authority, ~~and~~ each college or university within the Nevada System of Higher Education **and each city or county** that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils

enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

**Sec. 5.5.** NRS 385A.240 is hereby amended to read as follows:

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

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

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

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 ~~or~~ 392.125 or ~~392.760,~~ **section 71 of this act**, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

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

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

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

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

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

2. 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. On or before September 30 of each year:

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

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

**Sec. 6.** NRS 385A.450 is hereby amended to read as follows:

385A.450 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

1. For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 ~~]~~ or 392.125 or ~~[392.760.]~~ **section 71 of this act**, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

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

4. The number of habitual truants reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, including, without limitation, the number who are:

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

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

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

**Sec. 7.** NRS 385A.670 is hereby amended to read as follows:

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

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

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

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

(c) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education ~~{,}~~ **or a city or county**.

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

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

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

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

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

5. As used in this section:

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

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

**Sec. 8.** NRS 385A.720 is hereby amended to read as follows:

385A.720 1. Except as otherwise provided in subsection 3:

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

(b) The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees.

(c) The Department shall make preliminary ratings for all charter schools sponsored by the State Public Charter School Authority, ~~and~~ all charter schools sponsored by a college or university within the Nevada System of Higher Education ~~or~~ *and all charter schools sponsored by a city or county*.

2. Except as otherwise provided in subsection 3:

(a) Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence.

(b) If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15.

(c) If the school is a charter school sponsored by the State Public Charter School Authority, ~~or~~ a college or university within the Nevada System of Higher Education ~~or~~ *or a city or county*, the Department shall make a final determination concerning the rating for the school on September 15.

3. The Department may temporarily waive or otherwise pause the requirement to make ratings for public schools that comply with 20 U.S.C. § 6311(c) pursuant to this section if the United States Department of Education grants a waiver from or otherwise pauses the requirements of 20 U.S.C. § 6311(c).

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

**Sec. 9.** (Deleted by amendment.)

**Sec. 10.** Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 14, inclusive, of this act.



Sec. 11. *As used in sections 11 to 14, inclusive, of this act, unless the context otherwise requires, “Account” means the Early Childhood Literacy and Readiness Account created by section 12 of this act.*

Sec. 12. 1. *The Early Childhood Literacy and Readiness Account is hereby created in the State General Fund. The Account must be administered by the Department.*

2. *The interest and income earned on:*

- (a) The money in the Account, after deducting any applicable charge; and*
- (b) Unexpended appropriations made to the Account from the State General Fund,*

*General Fund,*

*↪ must be credited to the Account.*

3. *Except as otherwise provided in subsection 4, the balance remaining in the Account that has not been committed for expenditure on or before June 30 of each fiscal year reverts to the State General Fund.*

4. *The Department may accept gifts and grants of money from any source for deposit in the Account. All money received pursuant to this subsection:*

- (a) Must be accounted for separately in the Account;*
- (b) Must be expended in accordance with the terms of the gift or grant; and*

*(c) Does not revert to the State General Fund and must be carried over into the next fiscal year.*

5. *The money in the Account may only be used to award grants to school districts, sponsors of charter schools and nonprofit organizations to support early childhood literacy and readiness programs pursuant to section 13 of this act.*

Sec. 13. 1. *The Department shall, to the extent money is available, award grants of money to school districts, sponsors of charter schools and nonprofit organizations to support early childhood literacy and readiness programs. Each program supported by a grant awarded pursuant to this section must:*

- (a) Serve children who are less than 6 years of age;*
- (b) Be evidence-based;*
- (c) Provide for appropriate individualized accommodations and supports for children with disabilities; and*

*(d) Include a plan of reporting and accountability for the performance of the program.*

2. *A school district, sponsor of a charter school or nonprofit organization that wishes to receive a grant pursuant to this section must submit an application to the Department. The Department may approve such an application if the Department determines that the application:*

- (a) Includes an implementation plan which is financially sound; and*
- (b) Proposes to use all money available from the grant within 2 years or such shorter period of time as the Department determines appropriate.*

3. *The Department shall prioritize the award of grants pursuant to this section to a school district, sponsor of a charter school or nonprofit organization to support an early childhood literacy and readiness program that:*

- (a) Receives money from a private source;*
- (b) Receives money from a federal grant;*
- (c) Has demonstrated sustained success in improving the literacy and readiness for elementary school of children less than 6 years of age; or*
- (d) Provides services to geographical areas with a higher proportion of children entering kindergarten who have demonstrated a deficit across early learning domains during the immediately preceding 2 years.*

**Sec. 14.** *On or before November 1 of each year, the Department shall:*

- 1. Review all grants awarded pursuant to section 13 of this act during the immediately preceding year;*
- 2. Compile a report for the immediately preceding year which must include, without limitation:*

- (a) The number of applications for a grant received pursuant to section 13 of this act;*

- (b) The number of grants awarded pursuant to section 13 of this act;*

- (c) The total cost of all grants awarded pursuant to section 13 of this act;*

*and*

- (d) Such other information as may be prescribed by the Department to demonstrate the effectiveness of recipients of a grant awarded pursuant to section 13 of this act in improving the literacy and readiness for elementary school of children less than 6 years of age.*

**Sec. 15.** (Deleted by amendment.)

**Sec. 16.** (Deleted by amendment.)

**Sec. 17.** (Deleted by amendment.)

**Sec. 18.** (Deleted by amendment.)

**Sec. 19.** (Deleted by amendment.)

**Sec. 20.** (Deleted by amendment.)

**Sec. 21.** (Deleted by amendment.)

**Sec. 22.** NRS 387.1246 is hereby amended to read as follows:

387.1246 1. The Commission on School Funding, consisting of 11 members, is hereby created.

2. The Commission consists of the following members, who may not be Legislators:

- (a) One member appointed by the Governor, who serves as Chair;
- (b) Two members appointed by the Majority Leader of the Senate;
- (c) Two members appointed by the Speaker of the Assembly;
- (d) One member appointed by the Minority Leader of the Senate;
- (e) One member appointed by the Minority Leader of the Assembly;
- (f) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has more than 40,000

pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization; and

(g) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has 40,000 or fewer pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization.

➔ In making appointments to the Commission, the appointing authorities shall consider whether the membership generally reflects the geographic distribution of pupils in the State.

3. Each member of the Commission must:

(a) Be a resident of this State;

(b) Not have been registered as a lobbyist pursuant to NRS 218H.200 for a period of at least 2 years immediately preceding appointment to the Commission;

(c) Have relevant experience in public education;

(d) Have relevant experience in fiscal policy, school finance or similar or related financial activities;

(e) Have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Commission; and

(f) Have demonstrated ability in the field of economics, taxation or other discipline necessary to school finance and be able to bring knowledge and professional judgment to the deliberations of the Commission.

4. Each member of the Commission serves a term of 3 years and may be reappointed to additional terms.

5. Each member may be removed by the appointing authority for good cause. A vacancy on the Commission must be filled in the same manner as the original appointment.

6. The Commission shall:

(a) Elect a Vice Chair from among its members at its first meeting for a term of 3 years. A vacancy in the office of Vice Chair must be filled by the Commission by election for the remainder of the existing term.

(b) Adopt such rules governing the conduct of the Commission as it deems necessary.

(c) Hold its first meeting on or before October 1, 2019, and hold such additional number of meetings as may be necessary to accomplish the tasks assigned to it. ~~[in the time allotted.]~~

7. A majority of the members of the Commission constitutes a quorum and a majority of those present must concur in any decision.

8. The Department shall provide the Commission with meeting rooms, data processing services and administrative and clerical assistance ~~[ ]~~ **and undertake any research, analysis, study or other work required by the Commission to carry out its duties pursuant to NRS 387.12463.** The Superintendent of Public Instruction and Office of Finance shall jointly provide the Commission with professional staff services.

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

~~[10. The Commission may meet only between July 1 of an odd-numbered year and September 30 of the subsequent even-numbered year.]~~

**Sec. 23.** NRS 387.12463 is hereby amended to read as follows:

387.12463 1. The Commission shall:

(a) Provide guidance to school districts and the Department on the implementation of the Pupil-Centered Funding Plan.

(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the Joint Interim Standing Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.

(c) Review the statewide base per pupil funding amount, the adjusted base per pupil funding for each school district and the multiplier for weighted funding for each category of pupils appropriated by law pursuant to NRS 387.1214 for each biennium and recommend any revisions the Commission determines to be appropriate to create an optimal level of funding for the public schools in this State, including, without limitation, by recommending the creation or elimination of one or more categories of pupils to receive additional weighted funding. If the Commission makes a recommendation pursuant to this paragraph which would require more money to implement than was appropriated from the State Education Fund in the immediately preceding biennium, the Commission shall also identify a method to fully fund the recommendation within 10 years after the date of the recommendation.

(d) Review the laws and regulations of this State relating to education, make recommendations to the Joint Interim Standing Committee on Education for any revision of such laws and regulations that the Commission determines would improve the efficiency or effectiveness of public education in this State and notify each school district of each such recommendation.

(e) Review and recommend to the Department revisions of the cost adjustment factors for each county established pursuant to NRS 387.1215 and the method for calculating the attendance area adjustment established pursuant to NRS 387.1218.

*(f) Review the academic progress made by pupils in each public school ~~and each private school that enrolls one or more pupils on whose behalf the school was provided a grant pursuant to NRS 388D.270~~ since the implementation of the Pupil-Centered Funding Plan, including, without limitation, any changes to the academic progress of such pupils as the result of any additional money provided to each such school by the Pupil-Centered Funding Plan. ~~for Nevada Educational Choice Scholarship Program.~~ In performing such a review, the Commission shall:*

*(1) Use metrics to measure the academic achievement of pupils which include, without limitation:*

*(I) The rate of graduation of pupils from high school by type of diploma;*

*(II) The performance of pupils on standardized examinations in math, reading and science;*

*(III) The number of credentials or other certifications in fields of career and technical education earned by pupils;*

*(IV) The number of pupils who earn a passing score on an advanced placement examination;*

*(V) The number of pupils who earn a passing score on an international baccalaureate examination;*

*(VI) The percentage of pupils in each school who lack a sufficient number of credits to graduate by the end of their 12th grade year;*

*(VII) The percentage of pupils in each school who drop out;*

*(VIII) The number of pupils who enroll in higher education upon graduation;*

*(IX) The number of pupils who enroll in a vocational or technical school or apprenticeship training program;*

*(X) The attendance rate for pupils;*

*(XI) The number of violent acts by pupils and disciplinary actions against pupils; and*

*(XII) Any other metric prescribed by the Commission;*

*(2) Use metrics to measure the improvement of pupils enrolled in elementary school in literacy which include, without limitation:*

*(I) The literacy rate for pupils in first, third and fifth grades;*

*(II) The number of pupils in elementary school who were promoted to the next grade after testing below proficient in reading in the immediately preceding school year, separated by grade level and by level of performance on the relevant test;*

*(III) The number of schools that employ a licensed teacher designated to serve as a literacy specialist pursuant to NRS 388.159 and the number of schools that fail to employ and designate such a licensed teacher; and*

*(IV) Any other metric prescribed by the Commission;*

*(3) Use metrics to measure the ability of public schools to hire and retain sufficient staff to meet the needs of the public schools which include, without limitation:*

*(I) The rate of vacancies in positions for teachers, support staff and administrators;*

*(II) The attendance rate for teachers;*

*(III) The retention rate for teachers;*

*(IV) The number of schools and classrooms within each school in which the number of pupils in attendance exceeds the designed capacity for the school or classroom;*

(V) *The number of classes taught by a substitute teacher for more than 25 percent of the school year; and*

(VI) *Any other metric prescribed by the Commission;*

(4) *Use metrics to measure the extent to which schools meet the needs and expectations of pupils, parents or legal guardians of pupils, teachers and administrators which include, without limitation:*

(I) *The results of an annual survey of satisfaction of school employees;*

(II) *The results of an annual survey of satisfaction of pupils, parents or legal guardians of pupils and graduates; and*

(III) *Any other metric prescribed by the Commission;*

(5) *Identify the progress made by each school, school district and charter school on improving the literacy of pupils enrolled in elementary school;*

(6) *Make recommendations for strategies to increase the efficacy, efficiency, transparency and accountability of public schools; and*

(7) *Make recommendations to the Department, school districts and charter schools to improve the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability, including, without limitation, revisions to the metrics identified in subparagraphs (1) to (4), inclusive.*

(g) *Review and consider strategies to improve the accessibility of existing and new programs for pupils within and between public schools, including, without limitation, open zoning.*

2. *Each school district and each charter school shall submit a quarterly report to the Commission that identifies how funding from the Pupil-Centered Funding Plan is being used to improve the academic performance and progress of pupils and includes, without limitation, all data or metrics collected by the school district or charter school to demonstrate such improvement. The Commission shall review the reports submitted pursuant to this subsection and transmit the reports, along with any commentary or recommendations relating to the reports, to the Governor, the Director of the Legislative Counsel Bureau, the Joint Interim Standing Committee on Education and the Interim Finance Committee.*

3. *After receiving the reports submitted to the Commission pursuant to subsection 2, the Governor may, with the approval of the Legislature or Interim Finance Committee if the Legislature is not in session, direct a school district or charter school to take such remedial actions as the Governor determines to be necessary and appropriate to address any deficiency identified in the reports submitted pursuant to subsection 2.*

4. The Commission shall ~~present~~ :

(a) ~~Present~~ any recommendations pursuant to paragraphs (a) to ~~((d))~~ (g), inclusive, of subsection 1 at a meeting of the Joint Interim Standing Committee on Education for consideration and ~~revision~~ *recommendations* by the

Committee ~~[The Joint Interim Standing Committee on Education shall review each recommendation of the Commission and determine whether to]~~; and

*(b) After consideration of the recommendations of the Joint Interim Standing Committee on Education,* transmit the ~~[recommendation]~~ *recommendations* or a revised version of the ~~[recommendation]~~ *recommendations* to the Governor ~~[or]~~ *and the Director of the Legislative Counsel Bureau for distribution to* the Legislature.

**Sec. 24.** NRS 387.12468 is hereby amended to read as follows:

387.12468 1. On or before October 1 of each year, each school district shall create a report that includes a description of the personnel employed and services provided by the school district during the immediately preceding school year and any changes that the school district anticipates making to the personnel and services during the current school year. The school district shall post a copy of the report on the Internet website maintained by the school district.

2. On or before October 1 of each year, each public school shall create a report that includes a description of the personnel employed and services provided by the school during the immediately preceding school year and any changes the school anticipates making to the personnel and services during the current school year. The public school shall post a copy of the report on the Internet website maintained by the public school or, if the public school does not maintain an Internet website, on the Internet website maintained by the school district or the governing body or sponsor of the public school, as applicable.

3. The Department shall prescribe by regulation the format and contents of the information to be provided to create the report created by each school district pursuant to subsection 1 and each public school pursuant to subsection

2. The reports must include, as applicable and without limitation:

- (a) Each grade level at which the public school enrolls pupils;
- (b) The number of pupils attending the public school;
- (c) The average class size at the public school;
- (d) The number of persons employed by the public school to provide instruction, support to pupils, administrative support and other personnel including, without limitation, the number of employees in any subgroup of each type or classification of personnel as prescribed by the Department;
- (e) The professional development provided by the public school;
- (f) The amount of money spent per pupil for supplies, materials, equipment and textbooks;
- (g) For each category of pupils for which the public school receives any additional funding, including, without limitation, pupils with disabilities, pupils who are English learners, at-risk pupils and gifted and talented pupils:
  - (1) The number of pupils in each category who attend the public school;
  - (2) If the Department determines that pupils within a category must be divided based on severity of need, the number of pupils in each such subcategory; and

(3) The number of persons employed to provide instruction, support to pupils, administrative support and other personnel employed by the public school and dedicated to providing services to each category or subcategory of pupils, including, without limitation, any subgroup of each kind of personnel prescribed by the Department;

(h) The total amount of money received to support the operations of the public school, divided by the number of pupils enrolled in the public school and expressed as a per pupil amount;

(i) The total amount of money received by the public school as adjusted base per pupil funding, divided by the number of pupils enrolled in the public school and expressed as a per pupil amount; and

(j) The amount of money received by the public school as weighted funding for each category of pupils supported by weighted funding, divided by the number of pupils enrolled in the public school who are identified in the appropriate category and expressed as a per pupil amount for each category.

**4. *The Department shall prepare any reports or provide any data necessary for a school district or public school to produce the reports required by subsections 1 and 2, respectively.***

**Sec. 25.** (Deleted by amendment.)

**Sec. 26.** (Deleted by amendment.)

**Sec. 27.** (Deleted by amendment.)

**Sec. 28.** NRS 388.795 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements



of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

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

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

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

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

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

(a) The State Board.

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

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

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

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

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

(1) Repair, replace and maintain computer systems.

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

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

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

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

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

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

- (a) The recommendations set forth in the plan pursuant to subsection 2;
- (b) The plan for educational technology of each school district, if applicable;
- (c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and
- (d) Any other information deemed relevant by the Commission.

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

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Committee and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

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

9. As used in this section, “public school” includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

**Sec. 28.3. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 28.5 and 28.7 of this act.**

**Sec. 28.5. 1. The State Public Charter School Authority may award money to a charter school for the transportation of pupils to the extent money has been appropriated for that purpose.**

**2. A charter school must not receive money pursuant to subsection 1 unless the State Public Charter School Authority has approved a transportation plan for the charter school.**

**3. Each charter school that wishes to receive money pursuant to subsection 1 must submit a transportation plan to the State Public Charter School Authority. The State Public Charter School Authority may approve the transportation plan of a charter school if it determines:**

**(a) The transportation plan is comprehensive and likely to be successfully implemented;**

**(b) The transportation plan will materially improve access to education in the region served by the transportation plan;**

(c) The transportation plan demonstrates that the charter school will be able to comply with statutory and regulatory transportation requirements, including, without limitation, the certification of bus drivers and vehicle safety;

(d) The transportation plan is financially viable;

(e) The transportation plan would not cost more, on a per pupil basis, than the average cost for transportation for other public schools operating in the school district in which the charter school is located; and

(f) The academic, financial and organizational performance of the charter school indicate that the transportation plan is in the interest of pupils who will be served by the transportation plan.

Sec. 28.7. 1. On or before February 1 of each year, a city or county that sponsors a charter school shall submit a report to the Department, the State Public Charter School Authority and the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature, if the report is submitted in an odd-numbered year, or to the Legislative Commission, if the report is submitted in an even-numbered year.

The report must set forth:

(a) The location of the charter school;

(b) The geographic area of the city or county served by the charter school;

(c) The total number of pupils enrolled in the charter school;

(d) The number and percentage of pupils enrolled in the charter school by each zip code of the city or county served by the charter school;

(e) The number and percentage of pupils enrolled in the charter school from major racial and ethnic groups;

(f) The number and percentage of pupils enrolled in the charter school whose household has a household income which:

(1) Is less than 100 percent of the federally designated level signifying poverty;

(2) Is more than 100 percent but not more than 200 percent of the federally designated level signifying poverty;

(3) Is more than 200 percent but not more than 300 percent of the federally designated level signifying poverty; and

(4) Is more than 300 percent of the federally designated level signifying poverty;

(g) The number and percentage of pupils enrolled in the charter school who are eligible for free or reduced-priced lunches pursuant to 42 U.S.C. §§ 1751 et. seq.;

(h) The number and percentage of pupils enrolled in the charter school who have individualized education programs;

(i) The number and percentage of pupils enrolled in the charter school who are English learners;

(j) The number and percentage of pupils enrolled in the charter school who were previously enrolled in a Title I school; and

*(k) The number and percentage of pupils enrolled in the charter school who have disabilities.*

*2. The report required pursuant to this section must not include any personally identifiable information of pupils.*

**Sec. 29.** NRS 388A.105 is hereby amended to read as follows:

388A.105 The Department shall adopt regulations that prescribe:

1. The process for submission of an application pursuant to NRS 388A.220 by the board of trustees of a school district , ~~for~~ a college or university within the Nevada System of Higher Education *or a city or county* to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

2. The process for submission of an application to form a charter school to the board of trustees of a school district , ~~and~~ a college or university within the Nevada System of Higher Education ~~and~~ *and a city or county*, and the contents of the application;

3. The process for submission of an application to renew a charter contract to the board of trustees of a school district , ~~and~~ a college or university within the Nevada System of Higher Education ~~and~~ *and a city or county*, and the contents of the application;

4. The criteria and type of investigation that must be applied by the board of trustees of a school district , ~~and~~ a college or university within the Nevada System of Higher Education *and a city or county* in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a charter contract;

5. The process for submission of an amendment of a charter contract to the board of trustees of a school district , ~~and~~ a college or university within the Nevada System of Higher Education *and a city or county* pursuant to NRS 388A.276 and the contents of the application; and

6. In consultation with the State Public Charter School Authority, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:

(a) Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and

(b) Ethics requirements for the governing bodies of charter schools.

**Sec. 30.** NRS 388A.159 is hereby amended to read as follows:

388A.159 1. The State Public Charter School Authority is hereby deemed a local educational agency for all purposes, including, without limitation:

(a) The provision of a free and appropriate public education to each pupil enrolled in a charter school sponsored by the State Public Charter School Authority;

(b) The provision of special education and related services provided by a charter school sponsored by the State Public Charter School Authority; and

(c) Directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority, ~~for~~ a college or university within the Nevada System of Higher Education *or a city or county* that are eligible to receive such money.

2. A college or university within the Nevada System of Higher Education *or a city or county* that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational agency. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

3. As used in this section, “local educational agency” has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).

**Sec. 31.** NRS 388A.171 is hereby amended to read as follows:

388A.171 The State Public Charter School Authority shall:

1. Before March 1 of each even-numbered year:

(a) In consultation with the Department and each board of trustees of a school district, ~~and~~ college or university within the Nevada System of Higher Education *and city or county* that sponsors a charter school, review all statutes and regulations from which charter schools are not exempt and determine whether such statutes and regulations assisted or impeded the charter schools in achieving their academic, fiscal and organizational goals and objectives;

(b) Make recommendations to the Joint Interim Standing Committee on Education concerning any legislation that would assist charter schools in achieving their academic, fiscal and organizational goals; and

(c) Make recommendations to the State Board and the Department concerning any changes to regulations that would assist charter schools in achieving their academic, fiscal and organizational goals.

2. Make available information concerning the formation and operation of charter schools in this State and the academic, fiscal and organizational performance of each charter school in this State to pupils, parents and legal guardians of pupils, teachers and other educational personnel and members of the general public. The State Public Charter School Authority shall update such information annually.

**Sec. 32.** NRS 388A.220 is hereby amended to read as follows:

388A.220 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School

Authority pursuant to NRS 388A.255. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. *A city or county may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a city or county may sponsor charter schools. A city or county:*

*(a) May not sponsor a new charter school or allow an existing charter school sponsored by the city or county to increase enrollment or operate an additional campus of an existing charter school sponsored by the city or county if the total number of pupils enrolled in charter schools ~~fin~~ sponsored by the city or county is 7 percent or more of the number of pupils enrolled in public schools in the city or county other than charter schools ~~fin~~ that are not sponsored by the city or county.*

*(b) May only sponsor a charter school which is located entirely within the incorporated area of the city or the unincorporated area of the county, as applicable.*

5. The board of trustees of a school district, ~~or~~ a college or university within the Nevada System of Higher Education *or a city or county* may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school as prescribed in this section.

~~5.1~~ 6. Before a board of trustees of a school district, ~~or~~ a college or university within the Nevada System of Higher Education *or a city or county* that is approved to sponsor charter schools approves an application to form a charter school, the board of trustees, ~~or~~ college or university ~~or~~ *city or county*, as applicable, shall prepare, in collaboration with the Department and, to the extent practicable, the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, an evaluation of *the* demographic information of pupils, the academic needs of pupils and the needs of any pupils who are at risk of dropping out of school in the geographic areas served by the sponsor.

~~6.1~~ 7. On or before January 31 of each year, the State Public Charter School Authority shall prepare, in collaboration with the Department and, to the extent practicable, the board of trustees of each school district in this State and any other sponsor of a charter school in this State, an evaluation of *the*

demographic information of pupils, the academic needs of pupils and the needs of any pupils who are at risk of dropping out of school in this State.

**Sec. 33.** NRS 388A.229 is hereby amended to read as follows:

388A.229 1. The sponsor of a charter school shall ensure the collection, analysis and reporting of all data from the results of pupils enrolled in the charter school on statewide examinations to determine whether the charter school is meeting the performance indicators, measures and metrics for the achievement and proficiency of pupils as set forth in the performance framework for the charter school in a manner that complies with all applicable federal and state laws.

2. The sponsor of the charter school may aggregate data reported by the State and collected by the sponsor concerning pupil achievement and school performance at separate facilities operated by the same governing body or charter management organization and across all grades served by the charter school for the purpose of evaluating and reporting pupil achievement and school performance. Such an aggregation of data may include, without limitation, a weighted average of data concerning pupil achievement and school performance of each elementary school, junior high school, middle school or high school program operated by the charter school. The sponsor may also disaggregate such data by facility and by grade level or group of grade levels to provide greater transparency and accountability. The sponsor may also adopt policies for determining pupil achievement and school performance at a charter school. Any data reported pursuant to this subsection must be reported in a manner that complies with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.

3. The State Board may adopt regulations to place requirements on the manner in which data is reported by the board of trustees of a school district , ~~for~~ a college or university within the Nevada System of Higher Education *or a city or county* that sponsors a charter school including, without limitation, the manner in which data must be aggregated or disaggregated in any report.

4. The State Public Charter School Authority may adopt regulations establishing requirements concerning the manner in which it reports data, including, without limitation, the manner in which data must be aggregated or disaggregated in any report.

**Sec. 34.** NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

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

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

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

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

(c) Consider the degree to which the proposed charter school will address the needs identified in the evaluation prepared by the proposed sponsor pursuant to subsection ~~{5-07}~~ 6 or 7 of NRS 388A.220, as applicable;

(d) If the proposed sponsor is not the board of trustees of a school district, solicit input from the board of trustees of the school district in which the proposed charter school will be located;

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

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

(g) Consider the academic, financial and organizational performance of any charter schools that currently hold a contract with the proposed operators, including, without limitation, a charter management organization or educational management organization, of the proposed charter school.

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

(a) The application:

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

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

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

(c) Based on the most recent evaluation prepared by the proposed sponsor pursuant to subsection ~~{5-07}~~ 6 or 7 of NRS 388A.220, as applicable, the proposed charter school will address one or more of the needs identified in the evaluation; and

(d) It has received sufficient input from the public, including, without limitation, input received at the meeting held pursuant to subsection 1 of NRS 388A.252 or subsection 1 of NRS 388A.255, as applicable.

4. The identity of each member of the team of reviewers assembled by a proposed sponsor of a charter school is confidential for 5 years after the review of an application to form a charter school is complete and must not be disclosed unless ordered by a district court in an action brought pursuant to subsection 3 of NRS 388A.255.



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

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

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

(c) The current status of the application; and

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

**Sec. 35.** NRS 388A.252 is hereby amended to read as follows:

388A.252 1. If the board of trustees of a school district, ~~or~~ a college or a university within the Nevada System of Higher Education ~~[, as applicable.]~~ *or a city or county* receives an application to form a charter school, the board of trustees, ~~or~~ the institution ~~[,]~~ *or the city or county*, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district, ~~or~~ the institution ~~[,]~~ *or the city or county*, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or ~~the~~ university ~~[,]~~ *or the city or county*, as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249.

2. The board of trustees, the college or ~~the~~ university ~~[,]~~ *or the city or county*, as applicable, may approve an application if the requirements of subsection 3 of NRS 388A.249 are satisfied.

3. The board of trustees, the college or ~~the~~ university ~~[,]~~ *or the city or county*, as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or ~~the~~ university ~~[,]~~ *or the city or county*, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees, the college or ~~the~~ university ~~[,]~~ *or the city or county*, as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

**Sec. 36.** NRS 388A.258 is hereby amended to read as follows:

388A.258 Notwithstanding the provisions of NRS 388A.249, 388A.252 and 388A.255, the State Public Charter School Authority may adopt regulations establishing timelines and procedures by which the State Public Charter School Authority will review applications and the board of trustees of a school district, ~~[that is approved to sponsor charter schools or]~~ a college or university within the Nevada System of Higher Education **or city or county** that is approved to sponsor charter schools may adopt policies establishing timelines and procedures by which the board of trustees, ~~[or]~~ college or university ~~[ ]~~ **or city or county**, as applicable, will review applications. These regulations or policies may:

1. Establish different timelines and review procedures for different types of applicants; and
2. Authorize or require an applicant to submit an abbreviated application, the contents of such an application and criteria that the State Public Charter School Authority will use to determine whether to invite the applicant to submit a full application that meets the requirements of NRS 388A.243 and 388A.246 or deny the abbreviated application and recommend that the applicant make substantial revisions and submit the application during another application cycle.

**Sec. 37.** NRS 388A.270 is hereby amended to read as follows:

388A.270 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall negotiate, develop and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:

- (a) The performance framework for the charter school;
- (b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and
- (c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

- (a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;
- (b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; ~~[or]~~
- (c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university ~~[ ]~~; **or**

*(d) If a city or county is the sponsor of the charter school, the mayor of the city or the chair of the board of county commissioners, as applicable.*

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The sponsor of the charter school shall, not later than 10 days after the execution of the charter contract, provide to the Department:

(a) Written notice of the charter contract and the date of execution; and

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

6. If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

7. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

8. *If a city or county approves the application:*

*(a) The city or county shall be deemed the sponsor of the charter school.*

*(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.*

9. Except as otherwise provided in NRS 388A.285, a charter contract must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

**Sec. 38.** NRS 388A.279 is hereby amended to read as follows:

388A.279 1. The State Public Charter School Authority, the board of trustees of the school district, ~~or~~ a college or university within the Nevada System of Higher Education ~~or~~ **or a city or county**, as applicable, which sponsors a charter school may hold a public hearing concerning any request to amend a charter contract of the charter school it sponsors, including, without limitation, a request to amend a charter contract for the purpose of:

(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.

(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the charter contract for that school year.

(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in the charter contract for that school year.

(d) Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

(e) Consolidating the operations of multiple charter schools pursuant to NRS 388A.282.

2. A charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the school district, ~~or~~ a college or university within the Nevada System of Higher Education ~~or~~ *or a city or county*, as applicable.

3. The State Public Charter School Authority, the board of trustees of the school district, ~~or~~ a college or university within the Nevada System of Higher Education ~~or~~ *or a city or county*, as applicable, must deny a request to amend a charter contract in the manner described in paragraph (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of trustees, ~~or~~ a college or university within the Nevada System of Higher Education ~~or~~ *or a city or county*, as applicable, determines that:

(a) Except as otherwise provided in subsection 6 of NRS 388A.274, the charter school is not meeting the requirements of the performance framework concerning academics, finances or organization established pursuant to NRS 388A.273; or

(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.

**Sec. 39.** NRS 388A.378 is hereby amended to read as follows:

388A.378 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides, ~~or~~ with the Nevada System of Higher Education *or with a city or county* for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district, ~~or~~ a college or university within the Nevada System of Higher Education *or a city or county* is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 388A.381 before the provision of such services other than for the provision of school police officers when the provisions of NRS 388A.384 apply. If the board of trustees of a school district provides services to a charter

school pursuant to this section or NRS 388A.474, it shall not charge more than its cost for providing such services determined on a cost per pupil basis.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

**Sec. 40.** NRS 388A.487 is hereby amended to read as follows:

388A.487 1. The governing body of a charter school that operates as an elementary school shall adopt rules for the provision of intervention services and intensive instruction to *and the academic retention of* pupils who are enrolled in the charter school that are consistent with NRS 392.750, 392.760 and 392.765 ~~and~~ **and section 71 of this act**. The rules must:

(a) Prescribe the programs and instruction which will be provided to a pupil who has been identified as deficient in the subject area of reading in accordance with the plan established pursuant to NRS 388.157.

(b) Require the school to provide to a pupil who has been identified as deficient in the subject area of reading with intervention services and intensive instruction in accordance with the plan established pursuant to NRS 388.157.

(c) **Require a pupil enrolled in grade 3 to be retained in the same grade, rather than promoted to grade 4, when required pursuant to section 71 of this act.**

2. On or before October 15 of each year, the governing body of each charter school that operates as an elementary school shall:

(a) Prepare a report concerning the number and percentage of pupils at the charter school who : ~~were:~~

(1) ~~Designated~~ **Were designated** in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school of a charter school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously provided

intervention services and intensive instruction while enrolled in an elementary school of a charter school; ~~and~~

(2) Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:

(I) Did not improve at a rate prescribed by the governing body of a charter school, indicating a need for more intensive or different interventions;  
*or*

(II) Improved at a rate prescribed by the governing body of a charter school, indicating growth toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled; ~~and~~

*(3) Were retained in grade 3 pursuant to section 71 of this act, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and*

*(4) Were not retained in grade 3 because a good-cause exemption was approved pursuant to section 72 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years;*

(b) Submit a copy of the report to the Department, the Legislature and the sponsor of the charter school; and

(c) Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

**Sec. 41.** (Deleted by amendment.)

**Sec. 42.** (Deleted by amendment.)

**Sec. 43.** (Deleted by amendment.)

**Sec. 44.** (Deleted by amendment.)

**Sec. 45.** (Deleted by amendment.)

**Sec. 46.** (Deleted by amendment.)

**Sec. 47.** (Deleted by amendment.)

**Sec. 48.** (Deleted by amendment.)

**Sec. 49.** (Deleted by amendment.)

**Sec. 50.** NRS 388G.130 is hereby amended to read as follows:

388G.130 1. Except as otherwise provided in subsection 10, the empowerment team of a public school, other than a charter school that is sponsored by the State Public Charter School Authority, ~~or~~ by a college or university within the Nevada System of Higher Education ~~or~~ *or by a city or county*, that develops an empowerment plan pursuant to NRS 388G.120 shall submit the proposed empowerment plan to the designee of the board of trustees appointed pursuant to this subsection for review and approval pursuant to this section. The board of trustees shall designate a person to review each proposed empowerment plan and recommend the approval or denial of the plan to the board of trustees.

2. The board of trustees shall approve or deny the empowerment plan. The approval or denial of an empowerment plan must be based solely upon the

contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the school pursuant to subsection 4 of NRS 388G.120.

3. Except as otherwise provided in subsection 10, if the board of trustees approves an empowerment plan, the president of the board of trustees, the principal of the public school and the chair of the empowerment team, if the principal is not the chair, shall each sign the plan. The empowerment plan is effective for 3 years unless the empowerment team determines that the school will no longer operate under the plan or the board of trustees of the school district revokes the plan.

4. Except as otherwise provided in subsection 10, if the board of trustees denies an empowerment plan, the board of trustees shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. An empowerment plan may be resubmitted not more than once in a school year.

5. Except as otherwise provided in subsection 10, an empowerment plan for a public school is not effective and a public school shall not operate as an empowerment school unless the plan is signed by the president of the board of trustees of the school district, the principal of the public school and the chair of the empowerment team, if the principal is not the chair. If an empowerment plan includes a request for a waiver from a statute contained in this title or a regulation of the State Board or the Department, a public school may operate under the approved plan but the requested waivers from state law are not effective unless approved by the State Board pursuant to subsection 7.

6. Except as otherwise provided in subsection 10, the empowerment team may submit a written request to the board of trustees for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If the empowerment plan includes a request for a waiver from a statute or regulation, the board of trustees shall forward the approved empowerment plan to the State Board for review of the request for a waiver. The State Board shall review the empowerment plan and may approve or deny the request for a waiver from a statute or regulation unless the statute or regulation is required by federal law or is required to carry out federal law.

8. If the State Board approves the request for a waiver for a school, the Department shall provide written notice of the approval to the board of trustees of the school district that submitted the empowerment plan on behalf of the school.

9. If the State Board denies a request for a waiver, the State Board shall:

(a) Return the request to the school district with a written statement indicating the reason for the denial; and

(b) Except as otherwise provided in subsection 10, provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. A request for a waiver may be resubmitted by the school district, after the empowerment team corrects any deficiencies, not more than once in a school year.

10. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 388G.100, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

**Sec. 51.** NRS 388G.140 is hereby amended to read as follows:

388G.140 1. Except as otherwise provided in subsection 7, the empowerment team of a charter school that is sponsored by the State Public Charter School Authority, ~~for~~ by a college or university within the Nevada System of Higher Education *or by a city or county* which develops an empowerment plan pursuant to NRS 388G.120 shall submit the proposed plan to the Department for transmission to the State Board for review and approval pursuant to this section.

2. The State Board shall review each proposed empowerment plan and approve or deny the plan, including a request for a waiver from a statute contained in this title or a regulation of the State Board or the Department, if applicable. The approval or denial of an empowerment plan must be based solely upon the contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the charter school pursuant to subsection 4 of NRS 388G.120.

3. Except as otherwise provided in subsection 7, if the State Board approves an empowerment plan, the President of the State Board, the principal of the charter school and the chair of the empowerment team, if the principal is not the chair, shall each sign the plan. The empowerment plan is effective for 3 years unless the empowerment team determines that the school will no longer operate under the plan or the State Board revokes the plan.

4. Except as otherwise provided in subsection 7, if the State Board denies an empowerment plan, the State Board shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. An empowerment plan may be resubmitted not more than once in a school year.

5. Except as otherwise provided in subsection 7, an empowerment plan for a charter school that is sponsored by the State Public Charter School Authority, ~~for~~ by a college or university within the Nevada System of Higher Education *or by a city or county* is not effective and a charter school shall not operate as an empowerment school unless the plan is signed by the President of the State



Board, the principal of the charter school and the chair of the empowerment team, if the principal is not the chair.

6. Except as otherwise provided in subsection 7, the empowerment team may submit a written request to the Department for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 388G.100, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

**Sec. 52.** NRS 388G.200 is hereby amended to read as follows:

388G.200 1. Each empowerment school, other than a charter school that is sponsored by the State Public Charter School Authority, ~~or~~ by a college or university within the Nevada System of Higher Education ~~or~~ **or by a city or county**, shall, on a quarterly basis, submit to the board of trustees of the school district in which the school is located a report that includes:

- (a) The financial status of the school; and
- (b) A description of the school's compliance with each component of the empowerment plan for the school.

2. Each charter school that is sponsored by the State Public Charter School Authority, ~~or~~ by a college or university within the Nevada System of Higher Education **or by a city or county** which is approved to operate as an empowerment school shall, on a quarterly basis, submit to the Department a report that includes:

- (a) The financial status of the school; and
- (b) A description of the school's compliance with each component of the empowerment plan for the school.

3. The board of trustees of a school district shall conduct a financial audit of each empowerment school within the school district, other than a charter school that is sponsored by the State Public Charter School Authority, ~~or~~ by a college or university within the Nevada System of Higher Education ~~or~~ **or by a city or county**. Each financial audit must be conducted on an annual basis and more frequently if determined necessary by the board of trustees.

4. The Department shall conduct a financial audit of each charter school that is sponsored by the State Public Charter School Authority, ~~or~~ by a college or university within the Nevada System of Higher Education **or by a city or county** which operates as an empowerment school on an annual basis and more frequently if determined necessary by the Department.

5. On or before July 1 of each year, the board of trustees of each school district shall compile the reports and audits required pursuant to subsections 1 and 3, if any, and forward the compilation to the:

- (a) Governor;
- (b) Department; and
- (c) Joint Interim Standing Committee on Education.

6. On or before July 1 of each year, the Department shall compile the reports and audits required pursuant to subsections 2 and 4, if any, and forward the compilation to the:

- (a) Governor; and
- (b) Joint Interim Standing Committee on Education.

**Sec. 53.** (Deleted by amendment.)

**Sec. 54.** (Deleted by amendment.)

**Sec. 55.** Chapter 391A of NRS is hereby amended by adding thereto the provisions set forth as sections 56 to 66, inclusive, of this act.

**Sec. 56.** *On or before November 1 of each year, the State Board shall:*

**1.** *Review all Teach Nevada Scholarships awarded for the immediately preceding academic year;*

**2.** *Compile a report for the immediately preceding academic year which must include, without limitation:*

- (a) *The number of students who applied for a Teach Nevada Scholarship;*
- (b) *The number of scholarship recipients;*
- (c) *The total cost of all Teach Nevada Scholarships;*
- (d) *The graduation rate of scholarship recipients;*
- (e) *The percentage of students who:*

*(1) Were scholarship recipients in the academic year that immediately precedes the year which is the subject of the report;*

*(2) Did not graduate by the end of the academic year that immediately precedes the year which is the subject of the report; and*

*(3) Received a Nevada Teacher Advancement Scholarship, as defined in section 60 of this act, for the academic year which is the subject of the report;*

*(f) The percentage of scholarship recipients who graduated and became employed as a teacher at a public school in this State; and*

*(g) The number of scholarship recipients who subsequently fulfilled the requirements of subsection 4 of NRS 391A.585; and*

**3.** *Submit the report compiled pursuant to subsection 2 to the Governor and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.*

**Sec. 57.** *As used in sections 57 to 66, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 58 to 61, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 58.** *“Account” means the Nevada Teacher Advancement Scholarship Program Account created by section 62 of this act.*

**Sec. 59.** *“Nevada Teacher Advancement Scholarship” means a scholarship awarded by a university, college or other provider of an alternative licensure program to a student pursuant to section 64 of this act.*

**Sec. 60.** *“Other provider of an alternative licensure program” means an entity, other than a university or college, which has been approved by the Commission on Professional Standards in Education in accordance with the regulations adopted pursuant to NRS 391.019 to provide education and*

*training to a student which will lead to an alternative route to licensure for the student.*

**Sec. 61.** *“Scholarship recipient” means the recipient of a Nevada Teacher Advancement Scholarship awarded pursuant to section 64 of this act.*

**Sec. 62. 1.** *The Nevada Teacher Advancement Scholarship Program Account is hereby created in the State General Fund. The Account must be administered by the State Board.*

*2. The interest and income earned on:*

*(a) The money in the Account, after deducting any applicable charge; and*

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

*↪ must be credited to the Account.*

*3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

*4. The State Board may accept gifts and grants of money from any source for deposit in the Account.*

*5. The money in the Account may only be used to:*

*(a) Award grants to universities, colleges and other providers of an alternative licensure program that are approved to award Nevada Teacher Advancement Scholarships pursuant to section 64 of this act.*

*(b) Disburse the money retained pursuant to paragraph (b) of subsection 2 of section 63 of this act to a scholarship recipient who meets the requirements of subsection 4 of section 64 of this act.*

**Sec. 63. 1.** *A public or private university or college or other provider of an alternative licensure program in this State is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the State Board and which results in a master’s degree in education or a related field of study.*

*2. The State Board shall:*

*(a) Establish the number of Nevada Teacher Advancement Scholarships that will be available each year based upon the amount of money available in the Account.*

*(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to*

*a scholarship recipient who meets the requirements of subsection 4 of section 64 of this act.*

**3. The State Board:**

*(a) Shall prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:*

*(1) Have successfully completed a teacher preparatory program at a public school established pursuant to subsection 4 of NRS 388.380;*

*(2) Received the Teach Nevada Scholarship, as defined in NRS 391A.570, and successfully fulfilled the requirements of subsection 4 of NRS 391A.585; or*

*(3) Are veterans or the spouses of veterans.*

*(b) May prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:*

*(1) Agree to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education;*

*(2) Intend to teach in public schools in this State which have the highest shortage of teachers;*

*(3) Have been economically disadvantaged or belong to a racial or ethnic minority group; or*

*(4) Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.*

**4. A student may apply for a Nevada Teacher Advancement Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if:**

*(a) The student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1; and*

*(b) The student has taught in a public school in this State for not less than 2 of the immediately preceding 5 years.*

**5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.**

**6. The State Board may adopt any regulations necessary to carry out the provisions of sections 57 to 66, inclusive, of this act.**

**Sec. 64. 1. Each university, college or other provider of an alternative licensure program that is awarded a grant of money from the Account**

*pursuant to section 63 of this act shall use the money to award Nevada Teacher Advancement Scholarships to students who will attend the university, college or other provider of an alternative licensure program with the intent to complete a program described in subsection 1 of section 63 of this act. Such students may include, without limitation, students who have completed a bachelor's degree and taught in a public school in this State for at least 2 years.*

*2. A university, college or other provider of an alternative licensure program may award a Nevada Teacher Advancement Scholarship to a scholarship recipient in an amount:*

*(a) Not to exceed the cost of receiving a master's degree at a public university in this State prorated over the number of semesters required for the student to complete the program; and*

*(b) Equal to the difference between the amount of tuition, registration fees and other mandatory fees charged to the student for the program described in subsection 1 of section 63 of this act, excluding any amount of the tuition and fees that is waived by the university, college or other provider of an alternative licensure program, and the total amount of any other gift aid received by the student.*

*3. A university, college or other provider of an alternative licensure program that awards a Nevada Teacher Advancement Scholarship shall, at the beginning of each semester disburse to the scholarship recipient 75 percent of the scholarship money awarded to the scholarship recipient for the semester.*

*4. A scholarship recipient may only receive the 25 percent of the scholarship money that is retained by the State Board pursuant to paragraph (b) of subsection 2 of section 63 of this act if the scholarship recipient:*

*(a) Completes the program for which he or she was awarded the scholarship;*

*(b) Maintains employment as a teacher at a public school in this State for 3 consecutive school years immediately following completion of the program unless the State Board waives this requirement for good cause shown; and*

*(c) Meets any other requirements established by the State Board.*

*5. To receive the 25 percent of the scholarship money retained by the State Board pursuant to paragraph (b) of subsection 2 of section 63 of this act, a scholarship recipient who meets the requirements set forth in subsection 4 must request the State Board to disburse the money within 1 year after the 2-year anniversary of the date on which the scholarship recipient meets the requirements of subsection 4.*

*6. As used in this section, "gift aid" means any grant or scholarship awarded to a student which is restricted for use only to pay for tuition, registration fees or other mandatory fees.*

*Sec. 65. 1. If a scholarship recipient does not complete the program for which the scholarship was awarded for any reason, including, without limitation, withdrawing from the university, college or other provider of an*

*alternative licensure program or pursuing another course of study, the university, college or other provider of an alternative licensure program that awarded the scholarship must pay to the State Board for credit to the Account:*

*(a) Any amount of money that the university, college or other provider of an alternative licensure program has received but has not yet disbursed to the scholarship recipient pursuant to section 64 of this act; and*

*(b) An amount of money equal to the total amount of money disbursed to the scholarship recipient pursuant to section 64 of this act or \$1,000, whichever is less.*

*2. If a scholarship recipient completes the program for which the scholarship was awarded on schedule, as described in the application for the scholarship submitted pursuant to section 63 of this act, to the extent that money is available for this purpose, the State Board shall pay \$1,000 to the university, college or other provider of an alternative licensure program that awarded the scholarship. Any money received by a university, college or other provider of an alternative licensure program pursuant to this section must be used to pay costs associated with providing a program described in subsection 1 of section 63 of this act.*

*Sec. 66. On or before November 1 of each year, the State Board shall:*

*1. Review all Nevada Teacher Advancement Scholarships awarded for the immediately preceding academic year;*

*2. Compile a report for the immediately preceding academic year which must include, without limitation:*

*(a) The number of students who applied for a Nevada Teacher Advancement Scholarship;*

*(b) The number of scholarship recipients;*

*(c) The total cost of all Nevada Teacher Advancement Scholarships;*

*(d) The graduation rate of scholarship recipients;*

*(e) The percentage of students who:*

*(1) Received a Teach Nevada Scholarship, as defined in NRS 391A.570, in the academic year that immediately precedes the year which is the subject of the report;*

*(2) Did not graduate by the end of the academic year that immediately precedes the year which is the subject of the report; and*

*(3) Were scholarship recipients for the academic year which is the subject of the report;*

*(f) The percentage of scholarship recipients who graduated and became employed as teachers at a public school in this State; and*

*(g) The number of scholarship recipients who subsequently fulfilled the requirements of subsection 4 of section 64 of this act; and*

*3. Submit the report compiled pursuant to subsection 2 to the Governor and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.*

**Sec. 67.** NRS 391A.550 is hereby amended to read as follows:

391A.550 As used in NRS 391A.550 to 391A.590, inclusive, *and section 56 of this act*, unless the context otherwise requires, the words and terms defined in NRS 391A.555 to 391A.570, inclusive, have the meanings ascribed to them in those sections.

**Sec. 68.** NRS 391A.580 is hereby amended to read as follows:

391A.580 1. A public or private university, college or other provider of an alternative licensure program in this State is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the State Board and which:

(a) Upon completion makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State; or

(b) Allows a student to specialize in the subject area of early childhood education.

2. The State Board shall:

(a) Establish the number of Teach Nevada Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.585.

3. The State Board ~~may~~:

(a) *Shall prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:*

(1) *Have successfully completed a teacher preparatory program at a public school established pursuant to subsection 4 of NRS 388.380; or*

(2) *Are veterans or the spouses of veterans.*

(b) *May* prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

~~[(a) Are veterans or the spouses of veterans;]~~

(1) *Agree to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education;*

~~[(b)]~~ (2) Intend to teach in public schools in this State which have the highest shortage of teachers;

~~[(c)]~~ (3) Have been economically disadvantaged or belong to a racial or ethnic minority group; or

~~[(d)]~~ (4) Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a Teach Nevada Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if:

(a) The student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1; and

(b) The student ~~[agrees to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education.]~~ ***obtained a high school diploma awarded by a public or private high school located in this State or public high school that is located in a county that borders this State and accepts pupils who are residents of this State or successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055 before 20 years of age.***

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. The State Board may adopt any regulations necessary to carry out the provisions of NRS 391A.550 to 391A.590, inclusive ~~[-]~~, ***and section 56 of this act.***

**Sec. 69.** NRS 391A.585 is hereby amended to read as follows:

391A.585 1. Each university, college or other provider of an alternative licensure program that is awarded a grant of money from the Account pursuant to NRS 391A.580 shall use the money to award Teach Nevada Scholarships to students who will attend the university, college or other provider of an alternative licensure program with the intent to complete a program described in subsection 1 of NRS 391A.580. Such students may include, without limitation:

(a) Recent high school graduates who enroll in a program described in subsection 1 of NRS 391A.580;

(b) Students who are enrolled at a university or college who change their academic program or major to a program described in subsection 1 of NRS 391A.580;

(c) Students who have completed some credits at a university or college and who enroll in a program described in subsection 1 of NRS 391A.580;

(d) Students who possess a bachelor's degree in a field other than education who pursue an alternative route to licensure as a teacher;

(e) Veterans and the spouses of veterans; and

(f) Students who have had some experience working in a classroom, including, without limitation, as a paraprofessional or substitute teacher.



2. A university, college or other provider of an alternative licensure program may award a Teach Nevada Scholarship to a scholarship recipient in an amount ~~not~~ :

(a) *Not to exceed ~~[\$3,000 per semester or \$24,000 in the aggregate.] the cost of receiving a bachelor's degree at a public university in this State prorated over the number of semesters required for the student to complete the program; and~~*

(b) *Equal to the difference between the amount of tuition, registration fees and other mandatory fees charged to the student for the program described in subsection 1 of NRS 391A.580, excluding any amount of the tuition and fees that is waived by the university, college or other provider of an alternative licensure program, and the total amount of any other gift aid received by the student.*

3. A university, college or other provider of an alternative licensure program that awards a Teach Nevada Scholarship shall, at the beginning of each semester disburse to the scholarship recipient 75 percent of the scholarship money awarded to the scholarship recipient for the semester.

4. A scholarship recipient may only receive the 25 percent of the scholarship money that is retained by the State Board pursuant to paragraph (b) of subsection 2 of NRS 391A.580 if the scholarship recipient:

(a) Completes the program for which he or she was awarded the scholarship;

(b) Maintains employment as a teacher at a public school in this State for 5 consecutive school years immediately following completion of the program unless the State Board waives this requirement for good cause shown; and

(c) Meets any other requirements established by the State Board.

5. To receive the 25 percent of the scholarship money retained by the State Board pursuant to paragraph (b) of subsection 2 of NRS 391A.580, a scholarship recipient who meets the requirements set forth in subsection 4 must request the State Board to disburse the money within 1 year after the 5-year anniversary of the date on which the scholarship recipient meets the requirements of subsection 4.

6. *As used in this section, "gift aid" means any grant or scholarship awarded to a student which is restricted for use only to pay for tuition, registration fees or other mandatory fees.*

**Sec. 70.** Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 70.5, 71 and 72 of this act.

**Sec. 70.5.** *As used in NRS 392.750 to 392.775, inclusive, and sections 70.5, 71 and 72 of this act, unless the context otherwise requires, "subject area of reading" includes, without limitation, phonological and phonemic awareness, decoding skills, reading fluency and vocabulary and reading comprehension.*

**Sec. 71. 1.** *Except as otherwise provided in this section, a pupil enrolled in grade 3 must be retained in grade 3, rather than promoted to grade 4, if the pupil does not obtain a score in the subject area of reading on*

*the uniform examination administered pursuant to paragraph (a) of subsection 5 that meets the passing score prescribed by the State Board.*

*2. If a pupil will be retained in grade 3 pursuant to this section, the principal of the school must provide written notice to the parent or legal guardian of the pupil that the pupil will be retained in grade 3.*

*3. The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to this section to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth-grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.*

*4. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to NRS 392.760, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4, while continuing to receive remediation in the subject area of reading.*

*5. The State Board shall prescribe by regulation:*

*(a) A uniform examination for administration in kindergarten and grades 1, 2 and 3 to measure the proficiency of pupils in the subject area of reading;*

*(b) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the uniform examination administered pursuant to paragraph (a) to be promoted to grade 4 without a good-cause exemption; and*

*(c) An alternative examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the uniform examination administered pursuant to paragraph (a) and the passing score such a pupil must obtain on the alternative examination to be promoted to grade 4 without the approval for a good-cause exemption pursuant to section 72 of this act.*

*Sec. 72. 1. The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good-cause exemption for the pupil upon a determination by the principal of the school pursuant to subsection 3 that the pupil is eligible for such an exemption.*

2. *A good-cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good-cause exemption if the pupil:*

*(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;*

*(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond grade 3;*

*(c) Is an English learner and has received not less than 2 years of instruction in a program of instruction that teaches English as a second language;*

*(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;*

*(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the uniform examination administered pursuant to paragraph (a) of subsection 5 of section 71 of this act is not appropriate; or*

*(f) Is a pupil with a disability and:*

*(1) He or she participates in the uniform examination administered pursuant to paragraph (a) of subsection 5 of section 71 of this act;*

*(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and*

*(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.*

3. *The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 2 and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school, as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice to the principal of the approval or denial.*

4. *A principal who determines that a pupil is eligible for a good-cause exemption pursuant to subsection 3 shall notify the parent or legal guardian of the pupil if the superintendent of schools of the school district or the governing body of the charter school, as applicable, has approved the good-cause exemption.*

5. *The principal of a school in which a pupil for whom a good-cause exemption is approved pursuant to subsection 3 and who is promoted to grade 4 must ensure that the pupil continues to be provided intervention services and intensive instruction in the subject area of reading pursuant to NRS 392.760.*

6. *As used in this section, “individualized education program” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

**Sec. 73.** (Deleted by amendment.)

**Sec. 74.** NRS 392.125 is hereby amended to read as follows:

392.125 1. Except as otherwise provided in subsection 4 ~~and~~ **and section 71 of this act**, before any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil’s teacher and principal must make a reasonable effort to arrange a meeting and to meet with the pupil’s parents or guardian to discuss the reasons and circumstances.

2. Except as otherwise provided in ~~NRS 392.760,~~ **section 71 of this act**, the teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year.

3. Except as otherwise provided in subsection 2 of NRS 392.033 for the promotion of a pupil to high school ~~and~~ **and in section 71 of this act**, no pupil may be retained more than one time in the same grade.

4. Except as otherwise provided in NRS 388A.487, this section does not apply to the academic retention of pupils who are enrolled in a charter school.

**Sec. 75.** NRS 392.128 is hereby amended to read as follows:

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

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district, ~~or~~ the State Public Charter School Authority or a college or university within the Nevada System of Higher Education **or a city or county** that sponsors a charter school pursuant to subsection 3 of NRS 385A.240;

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

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

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

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

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

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

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

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

**Sec. 76.** NRS 392.750 is hereby amended to read as follows:

392.750 If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 or who newly enrolls in a public elementary school exhibits a deficiency in the subject area of reading based upon state or local assessments and the observations of the pupil’s teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil’s proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in elementary school that has been approved by the Department pursuant to NRS 388.157;

2. Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, ***the pupil will be retained in grade 3, rather than promoted to grade 4, unless the pupil receives a good-cause exemption pursuant to section 72 of this act,*** and the school will provide the pupil with intervention services and intensive

instruction each year that the pupil is enrolled in the elementary school, unless it is determined that such services and instruction are no longer necessary;

3. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

4. Explain that the ~~["*critereon-referenced*"]~~ **uniform** examination in ~~["only"]~~ the subject area of reading administered pursuant to ~~["NRS 390.105"]~~ **paragraph (a) of subsection 5 of section 71 of this act** is not the only factor used to determine whether the pupil will be ~~["provided intervention services and intensive instruction while the pupil is enrolled in an elementary school;"]~~ **retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good-cause exemption pursuant to section 72 of this act;**

5. Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to NRS 392.765 regarding ~~["the"]~~ :

(a) **The** provision of intervention services and intensive instruction to a pupil enrolled in an elementary school; **and**

(b) **The promotion of a pupil to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to section 71 of this act;**

6. Include information regarding the English literacy development of a pupil who is an English learner;

7. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is an English learner;

8. To the extent practicable, be provided in a language that the parent or legal guardian can understand;

9. Explain that a plan to monitor the growth of the pupil in the subject area of reading will regularly assess the pupil and the elementary school will provide notice to the parent or legal guardian the status of the growth of the pupil; and

10. Explain that services and the programs provided to the pupil will be adjusted to improve the deficiency in the subject area of reading.

**Sec. 77.** NRS 392.760 is hereby amended to read as follows:

392.760 1. Except as otherwise provided in this section, an elementary school must provide to a pupil enrolled in the school intervention services and intensive instruction if the pupil does not obtain a score in ~~["only"]~~ the subject area of reading on the ~~["critereon-referenced"]~~ **uniform** examination administered pursuant to ~~["NRS 390.105"]~~ **paragraph (a) of subsection 5 of section 71 of this act** that meets the passing score prescribed by the State Board. **The school must provide such services and instruction to a pupil, regardless of whether the pupil is retained in grade 3 pursuant to section 71 of this act or is not retained in grade 3 because a good-cause exemption was approved pursuant to section 72 of this act.**

2. The principal of a school, in consultation with the literacy specialist designated pursuant to NRS 388.159 and any teacher or other person with knowledge and expertise related to providing intervention services and intensive instruction to the pupil ~~[-~~

~~-(a) Shall]~~ **shall** ensure that the pupil continues to be provided intervention services and intensive instruction in the subject area of reading for as long as it is determined to be necessary while the pupil is enrolled at the elementary school. Such instruction must include, without limitation, strategies based upon evidence-based research that will improve proficiency in the subject area of reading.

~~[(b) May retain the pupil in grade 3 rather than promote the pupil to grade 4 when authorized pursuant to NRS 392.125.]~~

**3. Each literacy specialist designated pursuant to NRS 388.159 and any teacher or other person with knowledge and expertise relating to providing intervention services and intensive instruction to a pupil in the subject area of reading shall, in addition to any other duties or responsibilities assigned to him or her, provide intervention services and intensive instruction directly to pupils who do not obtain a score in the subject area of reading on the uniform examination administered pursuant to paragraph (a) of subsection 5 of section 71 of this act that meets the passing score prescribed by the State Board.**

**4. Each public school shall offer a pupil who is enrolled in grade 2 or grade 3 in the school and does not obtain a score in the subject area of reading on the uniform examination administered pursuant to paragraph (a) of subsection 5 of section 71 of this act that meets the passing score prescribed by the State Board the opportunity to enroll in summer school at the public school.**

**Sec. 78.** NRS 392.775 is hereby amended to read as follows:

392.775 On or before October 15 of each year, the board of trustees of each school district shall:

1. Prepare a report concerning the number and percentage of pupils at each public elementary school within the school district who:

(a) Were designated in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously provided intervention services and intensive instruction; ~~[and]~~

(b) Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:

(1) Did not improve at a rate prescribed by the board of trustees of the school district, indicating a need for more intensive or different interventions; and

(2) Improved at a rate prescribed by the board of trustees of the school district, indicating progress toward performing at a level determined by a

statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled [ ];

*(c) Were retained in grade 3 pursuant to section 71 of this act for a deficiency in the subject area of reading, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and*

*(d) Were not retained in grade 3 because a good-cause exemption was approved pursuant to section 72 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years.*

2. Submit a copy of the report to the Department [ ] *and* the Legislature .  
~~[and sponsor of the charter school.]~~

3. Post the report on the Internet website maintained by the school district and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.

Sec. 79. (Deleted by amendment.)

Sec. 80. (Deleted by amendment.)

Sec. 81. (Deleted by amendment.)

Sec. 82. (Deleted by amendment.)

Sec. 83. (Deleted by amendment.)

Sec. 84. (Deleted by amendment.)

Sec. 85. (Deleted by amendment.)

Sec. 86. (Deleted by amendment.)

Sec. 87. (Deleted by amendment.)

Sec. 88. (Deleted by amendment.)

Sec. 89. (Deleted by amendment.)

Sec. 90. (Deleted by amendment.)

Sec. 91. (Deleted by amendment.)

Sec. 92. (Deleted by amendment.)

Sec. 93. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$1,000,000 for the cost of supporting the operations of the Commission on School Funding and the completion of reports pursuant to NRS 387.12468, as amended by section 24 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, 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 19, 2025, 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 19, 2025.

**Sec. 93.3. 1. There is hereby appropriated from the State General Fund to the State Public Charter School Authority for awards of money to charter schools for the transportation of pupils pursuant to section 28.5 of this act the following sums:**

<b><u>For the Fiscal Year 2023-2024</u></b> .....	<b><u>\$7,000,000</u></b>
<b><u>For the Fiscal Year 2024-2025</u></b> .....	<b><u>\$7,000,000</u></b>



**2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.**

**Sec. 93.5.** 1. There is hereby appropriated from the State General Fund to the Early Childhood Literacy and Readiness Account created by section 12 of this act the following sums:

For the Fiscal Year 2023-2024..... \$70,000,000  
For the Fiscal Year 2024-2025..... \$70,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

**Sec. 93.7.** 1. There is hereby appropriated from the State General Fund to the Nevada Teacher Advancement Scholarship Program Account created by section 62 of this act the following sums:

For the Fiscal Year 2023-2024..... \$2,000,000  
For the Fiscal Year 2024-2025..... \$2,000,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

**Sec. 94.** (Deleted by amendment.)

**Sec. 95.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

**Sec. 96.** (Deleted by amendment.)

**Sec. 97.** 1. This section and sections 95 and 96 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, 7, 8, 10 to 24, inclusive, 26 to 39, inclusive, 41 to 70, inclusive, 73, 75 and 79 to 94, inclusive, of this act become effective:

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

(b) On July 1, 2023, for all other purposes.

3. Sections 5.5, 6, 9, 25, 40, 70.5, 71, 72, 74, 76, 77 and 78 of this act become effective:

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

(b) On July 1, 2028, for all other purposes.

Assemblywoman Jauregui moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 528.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 954.

AN ACT relating to homelessness; establishing a program to provide matching funds to certain qualified projects; authorizing the governing body of a city or county to provide an abatement of certain fees; authorizing the Department of Health and Human Services to create provider codes for certain purposes related to Medicaid billing; creating the Homelessness Support Services Matching Account; making an appropriation; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

This bill creates a program to provide matching funds up to \$100,000,000 to qualified projects that are facilities to provide support services to individuals and families experiencing homelessness or at risk of becoming homeless. **Sections 2-8** of this bill define terms related to the program to provide matching funds for qualified projects to provide support services to individuals and families experiencing homelessness or at risk of becoming homeless. **Section 9** of this bill authorizes the lead participant of a project to apply to the Office of Economic Development for a certificate of eligibility for matching funds up to \$100,000,000 and establishes the requirements for a project to be eligible for such matching funds, including, without limitation, the submission by the lead participant of the project of an application which meets certain requirements. **Section 10** of this bill additionally requires a project, to be eligible for the matching funds, to be determined by the Office to be a qualified

project. **Section 10** establishes requirements for a qualified project. **Section 11** of this bill establishes requirements with respect to the contribution to the cost of a project which may be made from matching funds, including, without limitation, a requirement for the lead participant to pay the initial \$25,000,000 of the costs for the development and construction of the project and for matching funds to be used to pay the last \$10,000,000 in project costs. **Section 11** provides the requirements for the issuance of matching funds.

**Section 12** of this bill requires the lead participant of a qualified project to furnish certain records to the Office. **Section 12** requires the lead participant to repay matching funds under certain circumstances and subjects the state business registration of the lead participant to revocation or suspension for failure to repay matching funds. **Section 12** authorizes the Executive Director of the Office to take certain action if a project is materially underperforming. If a project ceases to operate under certain circumstances or files for bankruptcy, **section 12** provides for the transfer of the underlying facility to the incorporated city in which the facility is located, or to the county in which the facility is located if the facility is not located in an incorporated city.

**Section 13** of this bill authorizes the governing body of a city or county in which a qualified project is located to provide an abatement of certain permit and license fees to a participant in such a project. **Section 14** of this bill requires the services provided at a qualified project that receives matching funds to be made available to the residents of any participating municipality in the county where the qualified project operates and establishes the requirements to qualify as a participating municipality.

**Section 15** of this bill requires the financial operating plan for a qualified project to provide for the annual operations, maintenance and ongoing capital needs of the facility and requires the operating costs of a facility within a qualified project to be distributed equitably among the State, participating municipalities and the private sector. **Section 15** requires the State to provide funds equal to the amounts provided by any participating municipalities up to \$15,000,000 per year, as adjusted each year. **Section 15** authorizes the Department of Health and Human Services to create provider codes to maximize Medicaid billing for the services provided by a qualified project.

**Section 16** of this bill creates the Homelessness Support Services Matching Account and requires money in the Account to be used only to provide matching funds pursuant to the provisions of this bill. **Section 18** of this bill makes an appropriation of \$100,000,000 to the Account.

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

**Section 1.** Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. “Capital investment” means all costs and expenses incurred by the participants in a qualified project in connection with the acquisition, construction, installation and equipping of the qualified project.

Sec. 4. “Lead participant” means a nonprofit corporation that ~~is~~

1. ~~Recognized~~ Is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3); ~~and~~
2. ~~Designated~~ Has a physical location in this State; and
3. Is designated by the participants in a project as the lead participant in an application submitted pursuant to section 9 of this act.

Sec. 5. “Matching funds” means an amount of money invested by this State in the capital construction of a qualified project in an amount equal to the amount of money invested by the participants in that project. The term does not include the value of in-kind services or other nonmonetary contributions.

Sec. 6. “Participant” means a business, including, without limitation, a nonprofit organization, or governmental entity which operates within the geographic boundaries of a project site and which contributes to or participates in the project.

Sec. 7. “Project” means a project undertaken by a business, group of businesses, including, without limitation, one or more nonprofit organizations, or one or more local governments:

1. Located within the geographic boundaries of one or more project sites in the State; and
2. Engaged in a common purpose or business endeavor.

Sec. 8. “Qualified project” means a project which the Office determines meets all the requirements set forth in sections 9 and 10 of this act.

Sec. 9. 1. On behalf of a project, the lead participant in the project may apply to the Office for a certificate of eligibility for matching funds of up to \$100,000,000 to be used exclusively for the acquisition, construction, installation and equipping of a qualified project.

2. For a project to be eligible for the matching funds described in subsection 1, the lead participant of the project must, on behalf of the project:

- (a) Submit an application that meets the requirements of subsection 3;
- (b) Provide documentation satisfactory to the Office that approval of the application would:

- (1) Facilitate the economic development of this State;
- (2) Aid the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

- (3) Increase the workforce in this State by helping those persons experiencing homelessness or at risk of becoming homeless to transition from experiencing homelessness or being at risk of homelessness to being economically self-sufficient.

3. An application submitted pursuant to subsection 2 must include:

*(a) Documentation satisfactory to the Office that the project meets all of the requirements of a qualified project described in section 10 of this act;*

*(b) A detailed business plan containing an outline of services to be provided by the project, capital construction financing, operational revenues and expenditures, governance structure, the core operating team and a plan for capital maintenance;*

*(c) The total cost of the project, which shall not be less than \$150,000,000;*

*(d) Documentation satisfactory to the Office that the qualified project is reasonably expected to:*

*(1) Increase the workforce in this State by promoting greater opportunities for economic self-sufficiency;*

*(2) Improve the mental and physical well-being of persons at risk of becoming homeless;*

*(3) Reduce the incidence of homelessness in areas of acute risk and impact;*

*(4) Decrease long-term reliance on social services and public assistance programs;*

*(5) Increase the opportunity for services integration and collaboration; and*

*(6) Reduce criminal activity and recidivism and increase the share of the population with employable job skills;*

*(e) A summary of the relationship between and roles and responsibilities of the lead participant and the other participants in the project;*

*(f) A detailed description of the location or locations of the project, including, without limitation, a precise description of the geographic boundaries of the project site or sites;*

*(g) The name and business address of each participant in the project, which must be an address in this State;*

*(h) A detailed description of the plan by which the lead participant and the other participants in the project intend to comply with the requirement that the participants collectively make a total capital investment not less than \$75,000,000 in the 5-year period immediately following approval of the application;*

*(i) Documentation satisfactory to the Office that the lead participant has the financial ability and operational expertise to effectively develop and operate the project;*

*(j) Documentation satisfactory to the Office that the participants in the project are engaged in a common purpose or business endeavor;*

*(k) Documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site or sites;*

*(l) Documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;*

(m) Documentation satisfactory to the Office of the number of employees engaged or anticipated to be engaged in the construction of the project;

(n) Documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;

(o) Documentation satisfactory to the Office of the number of individuals expected to be served by the project;

(p) Documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;

(q) Documentation satisfactory to the Office that at least 50 percent of the employees engaged or anticipated to be engaged in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of residents of Nevada available and qualified for such employment;

(r) An agreement to provide the Office with a compliance report for the project at the end of each calendar quarter during construction and at the end of each fiscal year during all the years of operations, which:

(1) Provides the amount of money invested in the project;

(2) Provides the number of employees engaged in the construction of the project;

(3) Provides the number of employees employed at the project;

(4) Provides the total number of persons served by the project, including, without limitation, the number of persons placed in permanent housing and verifiable employment; and

(5) Meets any other requirements prescribed by the Office; and

(s) Any other information deemed necessary and appropriate by the Executive Director.

Sec. 10. 1. In addition to meeting the requirements set forth in subsection 2 of section 9 of this act, for a project to be eligible for the matching funds described in subsection 1 of section 9 of this act, the project must be determined by the Office to be a qualified project as provided in this section.

2. A qualified project is a facility or facilities designed, developed and operated to:

(a) Provide comprehensive, sustainable and compassionate support services to individuals and families experiencing homelessness or at risk of homelessness; and

(b) Assist those individuals and families to overcome the barriers created by homelessness, find housing stability and achieve their full potential, while

*at the same time allowing them the opportunity to contribute to the economy of this State and participate in its workforce.*

*3. Services offered at a qualified project may be provided in collaboration with a nonprofit participant, for-profit or not-for-profit service provider, local government or other community-based organization within the public or private sectors.*

*4. The lead participant in a qualified project shall:*

*(a) In consultation with local governments, identify the site or sites where the qualified project will be located;*

*(b) Have a construction and development plan that identifies the sources and uses of funds to be used to construct the qualified project, including, without limitation, a private or nonprofit capital investment of not less than \$75,000,000;*

*(c) Have a financial operating plan that sets forth revenues and expenditures for the first 10 years of operations and identifies sources of funding from private and public sources, including, without limitation, local, state and federal governments;*

*(d) Have an operating plan that identifies the services that will be provided at the qualified project;*

*(e) Establish a board of directors consisting of not less than nine members, each of whom must be a resident of this State and none of whom may be persons holding elected office or who held elected office in the immediately preceding 3 years;*

*(f) Identify and establish a qualified management and operating team of professionals with the requisite experience and expertise to effectively operate the qualified project; and*

*(g) Establish a technical advisory committee comprised of nonprofit organizations and local governments focused on providing essential services to the community, including, without limitation, those primarily related to homelessness prevention, food insecurity, domestic violence, emergency services and public safety, workforce development, education, early childhood development, housing, health and wellness and social services. The technical advisory committee shall advise the board of directors by providing critical insight into the most pressing needs of community members, thereby ensuring the organization is continually evolving to address current challenges within the local community.*

*5. A qualified project may include, without limitation:*

*(a) Navigation centers and emergency intake facilities that provide emergency shelter, nutritious meals, hygiene facilities, clothing and access to essential supplies. Such facilities must implement a low-barrier approach to ensuring inclusivity and accessibility, address the immediate needs of those experiencing homelessness and identify individuals who are ready, willing and able to utilize a broader range of available services.*

*(b) Health care and mental health care, including, without limitation, medical care, mental health counseling, addiction treatment programs and preventive care tailored to the unique needs of the homeless population.*

*(c) Job training and employment assistance, including, without limitation, the development of vocational training programs, job placement services and partnerships with local businesses and other service providers to equip individuals with marketable skills, employment opportunities and the necessary support for sustainable employment.*

*(d) Transitional housing services that:*

*(1) Facilitate temporary accommodations and support programs to assist individuals or families experiencing homelessness or unstable housing situations; and*

*(2) Are designed to provide a bridge between homelessness and permanent housing by offering a safe and stable living environment and supportive services to assist individuals or families stabilize their lives and regain independence.*

*(e) Permanent housing solutions that facilitate access to a range of housing options, including, without limitation, transitional housing, rapid rehousing, permanent supportive housing and affordable housing initiatives in partnership with local governments, housing authorities, landlords and developers.*

*(f) Integrated social service providers, including, without limitation, organizations or agencies that offer a comprehensive range of services and program access to individuals and families, including, without limitation, case management, housing assistance, employment and job training, health and mental health services, food and nutrition assistance, financial and economic support, child and family services and legal aid and advocacy.*

*(g) Community engagement and education through public awareness campaigns, educational workshops and community outreach initiatives to foster empathy, dispel stereotypes and engage the broader community in addressing homelessness.*

*Sec. 11. 1. If the Office of Economic Development approves an application for a certificate of eligibility for matching funds submitted pursuant to paragraph (a) of subsection 2 of section 9 of this act, the Office shall immediately forward a copy of the certificate of eligibility which identifies the amount of the award to:*

*(a) The lead participant in the qualified project;*

*(b) The Director of the Legislative Counsel Bureau;*

*(c) The Chief of the Budget Division of the Office of Finance in the Office of the Governor; and*

*(d) The State Treasurer.*

*2. A qualified project may be approved for a certificate of eligibility for matching funds pursuant to subsection 1 in an amount not to exceed \$100,000,000.*



3. *Except as otherwise provided in sections 2 to 15, inclusive, of this act, the contribution from the matching funds awarded to the qualified project pursuant to subsection 1 must be proportional in terms of amount, contemporaneous in terms of timing and similar in terms of risk profile to the contribution to the cost of the development and construction of the qualified project by the lead participant, and:*

*(a) The lead participant shall pay the initial \$25,000,000 of the costs of the development and construction of the qualified project.*

*(b) Payments after the initial payment required by paragraph (a) must be pro rata, based on the percentage of the total cost of the qualified project described in paragraph (c) of subsection 3 of section 9 of this act to be paid from approved matching funds and those to be paid by all other sources of project funding as set forth in an application approved by the Office pursuant to section 9 of this act, except that such pro rata allocation must be adjusted such that the matching funds are used to pay the last \$10,000,000 in project costs.*

*(c) The procedure for making monthly draws for the cost of the qualified project will be delineated in a trust agreement to be entered into by the Office and the lead participant, which will ensure that no money derived from the matching funds awarded pursuant to subsection 1 are expended unless money of the lead participant is previously or simultaneously expended, except for the initial payment described in paragraph (a) and the last payment described in paragraph (b).*

*Sec. 12. 1. The lead participant of a qualified project shall, upon the request of the Office of Economic Development, furnish the Office with copies of all records necessary to verify that the qualified project meets or has met the eligibility requirements for state matching funds issued pursuant to sections 2 to 15, inclusive, of this act.*

*2. The lead participant shall repay to the State Treasurer, as applicable, any portion of the matching funds to which the lead participant is not entitled if:*

*(a) The participants in the qualified project collectively fail to make the investment in this State necessary to support the determination by the Office that the project is a qualified project;*

*(b) The lead participant submits any false statement, representation or certification in any document submitted for the purpose of obtaining matching funds;*

*(c) The lead participant otherwise becomes ineligible for matching funds after receiving the matching funds pursuant to sections 2 to 15, inclusive, of this act; or*

*(d) ~~ceases~~ The lead participant ceases operation within ~~10~~ 30 years of having received the last installment of matching funds pursuant to sections 2 to 15, inclusive, of this act.*

*3. The Secretary of State may, upon application by the Executive Director, revoke or suspend the state business registration of the lead*

*participant in a qualified project which is required to repay any portion of the matching funds allocated pursuant to subsection 2. If the state business registration of the lead participant in a qualified project is suspended or revoked pursuant to this subsection, the Secretary of State shall provide written notice of the action to the lead participant. The Secretary of State shall not reinstate a state business registration suspended pursuant to this subsection or issue a new state business registration to the lead participant whose state business registration has been revoked pursuant to this subsection unless the Executive Director provides proof satisfactory to the Secretary of State that the lead participant is in compliance with the requirements of this section governing repayment.*

*4. In the event the Executive Director determines that the project is materially underperforming based on the reports provided by the lead participant pursuant to paragraph (r) of subsection 3 of section 9 of this act, the Executive Director may:*

*(a) Require that the lead participant review, revise and submit any element of the application submitted pursuant to subsection 3 of section 9 of this act;*

*(b) Request operating recommendations for improvement from the technical advisory committee created pursuant to paragraph (g) of subsection 4 of section 10 of this act;*

*(c) Request that the lead participant retain a subject matter expert to address the identified areas of underperformance; or*

*(d) Any combination of paragraphs (a), (b) and (c).*

*5. In the event the project ceases to operate pursuant to subsection 2 or files for bankruptcy protection under any chapter of Title 11 of United States Code after having received matching funds pursuant to sections 2 to 15, inclusive, of this act, the facility, including the underlying land and any personal property necessary for the operations of the facility, shall be transferred to the incorporated city in which any part of the facility exists. If the facility does not exist in an incorporated city, it shall be transferred to the county in which the facility exists. Such transfer shall be made at no cost to the city or county, and the city or county may determine, at its sole discretion, whether to operate the facility in whole or in part or otherwise close, modify or sell the facility and any related assets.*

*Sec. 13. For the purpose of encouraging local economic development, the governing body of a city or county in which a qualified project is located may grant to any participant in a qualified project an abatement of all or any percentage of the amount of any permitting fee or licensing fee which the local government is authorized to impose or charge pursuant to chapter 244 or 268 of NRS.*

*Sec. 14. 1. Services provided at a qualified project that has received matching funds pursuant to sections 2 to 15, inclusive, of this act must be made available to the residents of any participating municipality described in subsection 2 within the county where the qualified project operates.*

2. *To qualify as a participating municipality pursuant to subsection 1, a municipality must:*

(a) *Have, within its borders, a navigation center or other process for initial intake and screening of individuals that are experiencing homelessness or are at imminent risk of homelessness, as well as a process whereby individuals or families seeking additional assistance may opt in to the services provided by the qualified project;*

(b) *Enter into a shared services agreement with the lead participant of the qualified project whereby the municipality contributes annually to ongoing facility operations and maintenance costs and receives equitable access to a share of the qualified project's capacity; and*

(c) *Have an approved plan to provide affordable, attainable workforce development and permanent supportive housing within the borders of the municipality.*

Sec. 15. 1. *The financial operating plan for the qualified project prepared in accordance with paragraph (c) of subsection 4 of section 10 of this act must provide for the annual operations and maintenance of the facility as well as the ongoing capital needs of the facility.*

2. *To pay the operating costs of a facility within a qualified project, the State Controller shall, on July 1 of each fiscal year, transfer from the Homelessness Support Services Matching Account created by section 16 of this act an amount of money equal to the amount of money to be provided for that fiscal year by any participating municipalities pursuant to paragraph (b) of subsection (2) of section 14 of this act, but such amount transferred by the State Controller must not exceed \$15,000,000 per fiscal year, as adjusted pursuant to subsection 5.*

3. *In addition to any support provided pursuant to subsection 2, the Department of Health and Human Services may administratively create any necessary provider codes to maximize Medicaid billing for the services provided by the qualified project.*

4. *Nothing contained in sections 2 to 15, inclusive, of this act shall be deemed to limit the ability of any participant in a qualified project from accessing programmatic funding for services provided by the qualified project that would otherwise be available from a government, private sector or nonprofit source.*

5. *The monetary amount specified in subsection 2 shall be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the consumer price inflation index between the calendar year ending on December 31, 2023, and the calendar year immediately preceding the fiscal year for which the adjustment is made.*

6. *For the purposes of this section, "consumer price inflation index" means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the*

*published index selected by the Department of Taxation pursuant to subsection 11 of NRS 361.091.*

**Sec. 16. 1.** *The Homelessness Support Services Matching Account is hereby created in the State General Fund. The Account must be administered by the Executive Director of the Office of Economic Development and money in the Account may be expended only for the purpose of providing matching funds pursuant to sections 2 to 15, inclusive, of this act.*

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

**3.** *Any money in the Account and any unexpended appropriations made to the Account from the State General Fund remaining at the end of a fiscal year do not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

**4.** *The Executive Director may apply for and accept any gift, grant, donation or appropriation for deposit in the Account.*

**Sec. 17.** Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after June 1, 2023.

**Sec. 18.** There is hereby appropriated from the State General Fund to the Homelessness Support Services Matching Account the sum of \$100,000,000.

**Sec. 19.** This act becomes effective upon passage and approval.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 82.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 953.

AN ACT relating to public works; revising provisions relating to the use of apprentices on public works; **making an appropriation**; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires contractors or subcontractors engaged on public works to use one or more apprentices for a certain percentage of the total hours performed on a public work, depending on the number of workers employed on the public work, and to enter into an apprenticeship agreement for all apprentices so required. (NRS 338.01165) **Section 1** of this bill: (1) eliminates the threshold number of workers for the applicability of the requirements for using apprentices; (2) applies those requirements based on all public works performed by a contractor or subcontractor during a calendar year instead of based on each public work; and (3) limits the requirement to enter into an

apprenticeship agreement to those contractors or subcontractors who are not signatories to a collective bargaining agreement with a sponsoring union.

Existing law: (1) sets forth a procedure that authorizes the Labor Commissioner, upon request by a public body, to grant a modification or waiver from the requirements for using apprentices upon a finding of good cause; and (2) defines the circumstances that constitute “good cause.” (NRS 338.01165) **Section 1:** (1) eliminates that procedure; (2) requires a contractor or subcontractor to maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with the annual requirements to use one or more apprentices for a certain percentage of the total hours performed on public works; and (3) sets forth certain requirements for such supporting documentation.

Existing law provides that an apprentice who graduates from an apprenticeship program while employed on a public work is deemed to be an apprentice on the public work for purposes of the requirements for using apprentices and a journeyman for certain purposes, including the payment of wages. (NRS 338.01165) **Section 1** expands the circumstances under which a person is treated as an apprentice for those requirements.

**Section 1** also requires, on or before February 15 of each year, a contractor or subcontractor to submit certain information to the Labor Commissioner regarding the hours that were worked in a calendar year on vertical or horizontal construction for each apprenticed craft or type of work performed. **Section 2** of this bill requires that the first such annual report be submitted on or before February 15, 2025, and address calendar year 2024.

Finally, **section 1** sets forth a penalty schedule for violations of certain provisions relating to the requirements for a contractor or subcontractor to use one or more apprentices for a certain percentage of the total hours performed on a public work.

**Section 1.5 of this bill makes an appropriation to the Office of Labor Commissioner in the Department of Business and Industry for certain expenses to carry out the provisions of this bill.**

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

**Section 1.** NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs ~~one worker~~ **workers** on ~~one or more~~ **one or more** public ~~work~~ **works during a calendar year** pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent , **or any increased percentage established pursuant to subsection 3**, of the total hours of labor worked for each apprenticed craft or type of work to be performed on ~~the~~ **those** public ~~work for which more than three workers are employed.~~ **works.**

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs ~~[a worker]~~ **workers** on ~~[a]~~ **one or more** public ~~[work]~~ **works during a calendar year** pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent, **or any increased percentage established pursuant to subsection 3**, of the total hours of labor worked for each apprenticed craft or type of work to be performed on ~~[the]~~ **those** public ~~[work for which more than three workers are employed.]~~ **works.**

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. ***If a contractor or subcontractor who is a signatory to a collective bargaining agreement with a union that sponsors an apprenticeship program for an apprenticed craft or type of work for which the term of apprenticeship is not more than 3 years requests an apprentice from that apprenticeship program and an apprentice in the appropriate craft or type of work is not available, the contractor or subcontractor may utilize a person who graduated from the apprenticeship program in that craft or type of work within the 3 years immediately preceding the request from the contractor or subcontractor. Such a person:***

***(a) Shall be deemed an apprentice on the public work for the purposes of subsections 1 and 2.***

***(b) Shall be deemed a journeyman for all other purposes, including, without limitation, the payment of wages and benefits to a journeyman pursuant to the collective bargaining agreement.***

6. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work performed in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

~~[6.— A public body may, upon the request of a contractor or subcontractor, submit a request]~~

7. ***A contractor or subcontractor engaged on a public work shall maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner. For purposes of this subsection, a contractor or subcontractor:***

*(a) Makes a good faith effort to comply with subsection 1 or 2, as applicable, if the contractor or subcontractor:*

*(1) Submits to the apprenticeship program, on the form prescribed by the Labor Commissioner ~~to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 for good cause. A public body must submit such a request, before an advertisement for bids has been placed, the opening of bids or the award of a contract for a public work or after the public body has commenced work on the public work. Such a request must include any supporting documentation, including, without limitation, proof of denial of or failure to approve a request for apprentices pursuant to subparagraph (3) of paragraph (d) of subsection 10-7.1~~, a request for an apprentice not earlier than 10 days before the contractor or subcontractor is scheduled to begin work on the public work and not later than 5 days after the contractor or subcontractor actually begins work on the public work.*

*(2) If the apprenticeship program does not provide an apprentice for the appropriate apprenticed craft or type of work upon a request pursuant to subparagraph (1), submits additional requests to the apprenticeship program, on the form prescribed by the Labor Commissioner, at least once every 30 days during the period that the contractor or subcontractor is working on the public work. If a contractor or subcontractor does not work continuously on the public work, the contractor or subcontractor shall submit an additional request each time that the contractor or subcontractor resumes work on the public work not earlier than 10 days before the contractor or subcontractor is scheduled to resume work on the public work and not later than 5 days after the contractor or subcontractor actually resumes work on the public work. The requirement for the submission of an additional request in this subparagraph does not apply whenever a contractor or subcontractor has one or more apprentices employed for that apprenticed craft or type of work.*

*(b) Does not make a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner, if the contractor or subcontractor is required to enter into an apprenticeship agreement pursuant to subsection 16 and refuses to do so.*

8. The supporting documentation required pursuant to subsection 7 may include, without limitation:

*(a) Documentation of the submission by the contractor or subcontractor of one or more requests, as applicable, pursuant to subsection 7; and*

*(b) Documentation that the apprenticeship program denied such a request, did not respond to such a request or responded that the program was unable to provide the requested apprentice.*

9. The contractor or subcontractor and the apprenticeship program shall coordinate the starting date for any apprentice provided by the program.

10. *On or before February 15 of each year, a contractor or subcontractor engaged in vertical or horizontal construction, as applicable, who employs a worker on one or more public works pursuant to NRS 338.040 shall report to the Labor Commissioner, on the form prescribed by the Labor Commissioner [shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2. —8.], the following information regarding those public works for the previous calendar year:*

*(a) For each apprenticed craft or type of work, the total number of hours worked on vertical construction.*

*(b) For each apprenticed craft or type of work, the total number of hours worked on horizontal construction.*

*(c) For each apprenticed craft or type of work, the total number of hours worked by apprentices on vertical construction.*

*(d) For each apprenticed craft or type of work, the total number of hours worked by apprentices on horizontal construction.*

*(e) For each apprenticed craft or type of work, the percentage of the total number of hours worked on vertical construction that were worked by apprentices.*

*(f) For each apprenticed craft or type of work, the percentage of the total number of hours worked on horizontal construction that were worked by apprentices.*

11. *The information required to be reported pursuant to subsection 10 must not include any identifying information about a public work or an apprentice or employee.*

12. *If the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination based on the information submitted pursuant to subsection 10 that a contractor or subcontractor did not make a good faith effort to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall notify the contractor or subcontractor in writing of the determination and:*

*(a) Except as otherwise provided in paragraph (b), shall assess a penalty as follows:*

*(1) If the apprentice utilization rate by the contractor or subcontractor on vertical construction of a public work is:*

*(I) Seven and one-half percent or more but less than 10 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$2,500 or \$2 for each hour below the percentage required, whichever is higher.*



*(II) More than 4 percent but less than 7.5 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$3,000 or \$4 for each hour below the percentage required, whichever is higher.*

*(III) Four percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$5,000 or \$6 for each hour below the percentage required, whichever is higher.*

*(2) If the apprentice utilization rate by the contractor or subcontractor on horizontal construction of a public work is:*

*(I) Two percent or more but less than 3 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$2,500 or \$2 for each hour below the percentage required, whichever is higher.*

*(II) More than 1 percent but less than 2 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$3,000 or \$4 for each hour below the percentage required, whichever is higher.*

*(III) One percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of \$5,000 or \$6 for each hour below the percentage required, whichever is higher.*

*(b) Shall not assess a penalty if the total number of hours of labor required to be worked by apprentices:*

*(1) On vertical construction pursuant to subsection 1, as applicable, during the previous calendar year is less than 40 hours.*

*(2) On horizontal construction pursuant to subsection 2, as applicable, during the previous calendar year is less than 24 hours.*

*13. Except for good cause, the Labor Commissioner may not initiate his or her own investigation or accept a complaint based on the information submitted by a contractor or subcontractor pursuant to subsection 10 after May 1 immediately following the date on which the report was received by the Labor Commissioner.*

*14. In addition to the penalties set forth in subsection 12, if the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination that a contractor or subcontractor did not submit the report required pursuant to subsection 10 or made no attempt to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall:*

*(a) Impose a penalty of not less than \$10,000 but not more than \$75,000;*  
*or*

*(b) Disqualify the contractor or subcontractor from being awarded a contract for a public work for at least 180 days but not more than 2 years.*

*15. A ~~public body,~~ contractor or subcontractor may request a hearing on the determination of the Labor Commissioner pursuant to subsection 12 or 14 within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.*

~~{9.}~~ 16. A contractor or subcontractor *who is not a signatory to a collective bargaining agreement with the union sponsoring the apprenticeship program for an apprenticed craft or type of work* engaged on a public work shall enter into an apprenticeship agreement for ~~{all apprentices}~~ *each apprentice* required to be used in the construction of a public work. ~~{If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection 10 and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.~~

~~10.}~~ 17. As used in this section:

(a) “Apprentice” means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) “Apprenticed craft or type of work” means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) “Apprenticeship program” means an apprenticeship program recognized by the State Apprenticeship Council.

(d) ~~{“Good cause” means:~~

~~—(1) There are no apprentices available from an apprenticeship program within the jurisdiction where the public work is to be completed as recognized by the State Apprenticeship Council;~~

~~—(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or~~

~~—(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied or the request has not been approved within 5 business days.~~

~~→ The term does not include the refusal of a contractor or subcontractor to enter into an apprenticeship agreement pursuant to subsection 9.~~

~~{e)}~~ “Journeyman” has the meaning ascribed to it in NRS 624.260.

~~{f)}~~ (e) “State Apprenticeship Council” means the State Apprenticeship Council created by NRS 610.030.

**Sec. 1.5. 1. There is hereby appropriated from the State General Fund to the Office of Labor Commissioner in the Department of Business and Industry the sum of \$376,876 for personnel, travel, operating, equipment and information services expenses to carry out the provisions of this act.**

**2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, 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 19, 2025, 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 19, 2025.**

**Sec. 2.** The initial report required pursuant to subsection 10 of NRS 338.01165, as amended by section 1 of this act, must be submitted on or before February 15, 2025, and must include information for the period which begins on January 1, 2024, and ends on December 31, 2024.

**Sec. 3.** 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

**3. Section 1.5 of this act becomes effective on July 1, 2024.**

Assemblywoman Jauregui moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 225.

Bill read third time.

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

Amendment No. 965.

SENATOR D. HARRIS

**JOINT SPONSOR: ASSEMBLYWOMAN SUMMERS-ARMSTRONG**

AN ACT relating to peace officers; revising provisions relating to the required contents of an application for certification as a peace officer; requiring a law enforcement agency to provide to the Peace Officers' Standards and Training Commission certain notice and information concerning peace officers employed by the agency; prohibiting a law enforcement agency from requiring a peace officer to make certain attestations concerning cannabis as a condition precedent to employment; prescribing requirements for certain standards adopted by regulation of the Commission; disqualifying certain persons from serving as peace officers; requiring the Executive Director of the Commission to report certain information to the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or an equivalent database; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law sets forth provisions governing peace officers and creates the Peace Officers' Standards and Training Commission, which generally provides for the training, education and certification of peace officers. (Chapter 289 of NRS) Existing law requires an application for certification as a peace officer to include the social security number of the applicant and a statement regarding the payment of child support. (NRS 289.560, 289.570)

**Section 2** of this bill additionally requires an application for certification as a peace officer to include an affidavit stating that the applicant: (1) is not disqualified from serving as a peace officer; (2) has not been discharged, disciplined or asked to resign from employment with a law enforcement agency for certain conduct; and (3) has not resigned from employment or otherwise separated from employment with a law enforcement agency while an investigation concerning certain alleged conduct was pending. **Section 2** also requires the Commission to: (1) deny an application for certification that does not include the required affidavit; and (2) search the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training, or an equivalent database, to ensure that the name of the applicant does not appear in any such index or database. **Section 6** of this bill makes a conforming change to indicate the proper placement of **sections 2 and 3** of this bill in the Nevada Revised Statutes.

**Section 3** requires a law enforcement agency to immediately notify the Commission if a peace officer employed by the agency: (1) is charged with certain crimes; or (2) resigns from employment or otherwise separates from employment with the agency while an investigation concerning alleged misconduct is pending. **Section 3** also requires a law enforcement agency to provide certain information to the Commission concerning a peace officer who resigns or otherwise separates from employment with the agency while an investigation concerning alleged misconduct is pending.

With certain exceptions, existing law prohibits a law enforcement agency from requiring a peace officer to disclose certain information as a condition precedent to a promotion, job assignment or other personnel action. (NRS 289.030) **Section 5** of this bill additionally prohibits a law enforcement agency from requiring a peace officer to provide an oral or written attestation concerning any use of cannabis by the peace officer that occurred before the peace officer submitted his or her application for employment with the law enforcement agency as a condition precedent to employment as a peace officer.

Existing law requires the Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510) **Section 7** of this bill provides that the standards prescribed by regulations adopted by the Commission: (1) must not prohibit the certification of an applicant solely on the basis that the applicant has engaged in the adult use of cannabis or the medical use of cannabis; (2) must not require the decertification of a peace officer solely on the basis that the peace officer has engaged in the adult use of cannabis or the medical use of cannabis; and (3) must require the decertification of a peace officer upon a determination by the Commission that the peace officer knowingly provided false or misleading information in his or her application for certification. **Section 7** also makes conforming changes to reorganize certain provisions relating to regulations adopted by the Commission. **Section 4** of this bill defines certain terms for the purposes of certain requirements relating to cannabis prescribed by **sections 5 and 7**.

Existing law provides that a person who has been convicted of a felony in this State or any other state is not qualified to serve as a peace officer. (NRS 289.555) **Section 9** of this bill makes this prohibition applicable regardless of whether the person has had the conviction expunged or sealed. **Section 9** also provides that a person is not qualified to serve as a peace officer if the person has been: (1) convicted of domestic violence in this State or any other state, regardless of whether such a conviction was sealed or expunged; (2) reported to the National Decertification Index or an equivalent database; or (3) decertified or has had his or her certificate or license to practice or serve as a peace officer revoked or annulled by the Commission or a certifying or licensing authority in any other state.

Existing law requires the Commission to appoint an Executive Director of the Commission and authorizes the Executive Director to perform certain acts relating to the certification of peace officers. (NRS 289.520, 289.530) **Section 8** of this bill requires the Executive Director to report to the National Decertification Index or an equivalent database: (1) the name of each decertified peace officer; and (2) any other information required by the Index or database, as applicable.

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

**Section 1.** Chapter 289 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1.** *An application for certification as a peace officer must include an affidavit stating that the applicant:*

*(a) Is not disqualified from serving as a peace officer pursuant to NRS 289.555;*

*(b) Has not been discharged, disciplined or asked to resign from employment with a law enforcement agency in this State or any other state for conduct which would, under the regulations adopted by the Commission pursuant to NRS 289.510, constitute grounds for denying certification or revoking the certificate of a peace officer; and*

*(c) Has not resigned from employment or otherwise separated from employment with a law enforcement agency in this State or any other state while an investigation concerning allegations of conduct which would, under the regulations adopted by the Commission pursuant to NRS 289.510, constitute grounds for denying certification or revoking the certificate of a peace officer, was pending.*

*2. The Commission shall summarily deny any application for certification as a peace officer if the application does not include the affidavit required by subsection 1.*

*3. The Commission shall, for each applicant for certification as a peace officer, search the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training, or an*

*equivalent database maintained for the purpose of serving as a national registry of certificate or license revocation actions relating to peace officer misconduct, to ensure that the name of the applicant does not appear in any such index or database.*

**Sec. 3.** *A law enforcement agency shall:*

**1.** *Immediately notify the Commission if a peace officer employed by the agency:*

*(a) Is charged with a crime for which the regulations adopted by the Commission pursuant to NRS 289.510 authorize the Commission to revoke or suspend the certificate of the peace officer; or*

*(b) Resigns from employment or otherwise separates from employment with the agency while an investigation concerning alleged misconduct is pending; and*

**2.** *If a peace officer resigns or otherwise separates from employment while an investigation concerning alleged misconduct is pending, provide to the Commission a written summary of the outcome of the investigation as soon as practicable after completing the investigation.*

**Sec. 4.** NRS 289.010 is hereby amended to read as follows:

289.010 As used in this chapter, unless the context otherwise requires:

**1.** “Administrative file” means any file of a peace officer containing information, comments or documents about the peace officer. The term does not include any file relating to an investigation conducted pursuant to NRS 289.057 or a criminal investigation of a peace officer.

**2.** *“Adult use of cannabis” has the meaning ascribed to it in NRS 678A.075.*

**3.** “Law enforcement agency” means any agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:

(a) Has a duty to enforce the law; and

(b) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

~~[3.]~~ **4.** *“Medical use of cannabis” has the meaning ascribed to it in NRS 678A.215.*

**5.** “Peace officer” means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

~~[4.]~~ **6.** “Punitive action” means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer of a peace officer for purposes of punishment.

**7.** *“Screening test” means a test of a person’s blood, urine, hair or saliva to detect the general presence of a controlled substance or other drug.*

**Sec. 5.** NRS 289.030 is hereby amended to read as follows:

289.030 **1.** A law enforcement agency shall not require any peace officer to ~~disclose~~:

(a) *Disclose* the peace officer’s assets, debts, sources of income or other financial information or make such a disclosure a condition precedent to a

promotion, job assignment or other personnel action unless that information is necessary to:

~~{1-}~~ (1) Determine the peace officer's credentials for transfer to a specialized unit;

~~{2-}~~ (2) Prevent any conflict of interest which may result in any new assignment; or

~~{3-}~~ (3) Determine whether the peace officer is engaged in unlawful activity.

*(b) Provide an oral or written attestation concerning any use of cannabis by the peace officer that occurred before the peace officer submitted his or her application for employment with the law enforcement agency as a condition precedent to employment with the agency as a peace officer.*

*2. Nothing in this section shall be construed to prohibit a law enforcement agency from:*

*(a) Requiring a peace officer to provide an oral or written attestation concerning any use of cannabis by the peace officer that has occurred after the submission of his or her application for employment with the law enforcement agency as a condition precedent to employment with the agency as a peace officer; or*

*(b) Adopting a policy that requires a peace officer to submit to a screening test as:*

*(1) A condition precedent to employment; or*

*(2) A condition for continued employment.*

*3. As used in this section, "use of cannabis" includes the adult use of cannabis and the medical use of cannabis.*

**Sec. 6.** NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.680, inclusive, **and sections 2 and 3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.

**Sec. 7.** NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) ~~{Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:~~

~~—(1) Requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;~~

~~—(2) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;~~

~~—(3) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:~~

~~—(I) Racial profiling;~~

~~—(II) Mental health, including, without limitation, crisis intervention;~~

~~—(III) The well being of officers;~~

~~—(IV) Implicit bias recognition;~~

~~—(V) De-escalation;~~

~~—(VI) Human trafficking; and~~

~~—(VII) Firearms.~~

~~—(4) Qualifications for instructors of peace officers;~~

~~—(5) Requirements for the certification of a course of training; and~~

~~—(6) Standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.~~

~~—(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.~~

~~—(e)} May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in [its] the regulations [} adopted pursuant to subsection 2.~~

~~[(f)] (d) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.~~

~~[(g)] (e) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.680, inclusive [}, and sections 2 and 3 of this act.~~

~~[(h)] (f) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.~~

~~[(i)] (g) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.~~

~~2. [Regulations] The Commission shall adopt regulations establishing minimum standards for:~~



*(a) The certification and decertification, recruitment, selection and training of peace officers. The standards adopted pursuant to this paragraph must:*

*(1) Establish requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;*

*(2) Establish requirements for basic training for category I, category II and category III peace officers and reserve peace officers;*

*(3) Establish standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:*

*(I) Racial profiling;*

*(II) Mental health, including, without limitation, crisis intervention;*

*(III) The well-being of officers;*

*(IV) Implicit bias recognition;*

*(V) De-escalation;*

*(VI) Human trafficking; and*

*(VII) Firearms;*

*(4) Establish qualifications for instructors of peace officers;*

*(5) Establish requirements for the certification of a course of training;*

*(6) Require all peace officers to receive training in the handling of cases involving abuse or neglect of children or missing children;*

*(7) Require all peace officers to receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons;*

*(8) Not prohibit the certification of an applicant solely on the basis that the applicant has engaged in the adult use of cannabis or the medical use of cannabis;*

*(9) Not require the decertification of a peace officer solely on the basis that the peace officer has engaged in the adult use of cannabis or the medical use of cannabis; and*

*(10) Require the decertification of a peace officer upon a determination by the Commission that the peace officer knowingly provided false or misleading information in his or her application for certification.*

*(b) An annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing any conditions that may affect the performance of duties by the peace officer.*

3. *The regulations adopted by the Commission pursuant to subsection 2:*

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers; *and*

~~(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;~~

~~(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons; and~~

~~(d)~~ May require that training be carried on at institutions which it approves in those regulations.

**4. Nothing in this section shall be construed to prohibit a law enforcement agency from adopting a policy that requires a peace officer to submit to a screening test as:**

*(a) A condition precedent to employment; or*

*(b) A condition for continued employment.*

**Sec. 8.** NRS 289.530 is hereby amended to read as follows:

289.530 **1.** With the advice of the Commission, the Executive Director of the Commission may:

~~{1}~~ *(a)* Appoint employees, agents, consultants and other staff of the Commission and prescribe their duties;

~~{2}~~ *(b)* Administer and direct the daily operation of the staff and resources of the Commission;

~~{3}~~ *(c)* Inspect academies for training peace officers, and issue and revoke certificates of approval to such academies;

~~{4}~~ *(d)* Certify qualified instructors for approved courses of training for peace officers and issue appropriate certificates to instructors;

~~{5}~~ *(e)* Certify peace officers who have satisfactorily completed courses of training for peace officers and issue basic, intermediate, advanced and management professional certificates to peace officers;

~~{6}~~ *(f)* Make recommendations to the Commission concerning the issuance of executive certificates;

~~{7}~~ *(g)* Cause annual audits to be made relating to the operation of academies for training peace officers;

~~{8}~~ *(h)* Consult and cooperate with academies for training peace officers concerning the development of the basic and advanced training programs for peace officers;

~~{9}~~ *(i)* Consult and cooperate with academies for training peace officers concerning the development of specialized courses of study in this State for peace officers in the areas of police science, police administration, corrections, probation, the social sciences and other related areas;

~~{10}~~ *(j)* Consult and cooperate with other departments and agencies of this State and of local governments concerning the training of peace officers;

~~{11}~~ *(k)* Report to the Commission at the regular meetings of the Commission and at such other times as the Commission may require, and recommend the denial, suspension or revocation of certification of a peace officer to the Commission as deemed necessary;

~~{12}~~ (l) Execute contracts on behalf of the Commission; and

~~{13}~~ (m) Perform any other acts necessary and appropriate to the carrying out of the duties of the Executive Director of the Commission.

**2. The Executive Director of the Commission shall, as soon as reasonably practicable after revoking the certification of a peace officer, report to the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or an equivalent database maintained for the purpose of serving as a national registry of certificate or license revocation actions relating to peace officer misconduct:**

**(a) The name of the decertified peace officer; and**

**(b) Any other information possessed by the Commission and required by the Index or database, as applicable.**

**Sec. 9.** NRS 289.555 is hereby amended to read as follows:

289.555 A person ~~[who has been convicted of a felony in this State or any other state]~~ is not qualified to serve as a category I peace officer, category II peace officer or category III peace officer, regardless of whether the person has ~~been~~ had his or her civil rights restored ~~[to]~~, if the ~~[person's civil rights.]~~ person has been:

**1. Convicted of:**

**(a) A felony in this State or any other state, regardless of whether such a conviction was expunged or sealed;**

**(b) A battery which constitutes domestic violence pursuant to NRS 200.485, regardless of whether such a conviction was expunged or sealed; or**

**(c) A misdemeanor crime of domestic violence, as defined in 18 U.S.C. § 921(a)(33), in any other state, regardless of whether such a conviction was expunged or sealed.**

**2. Reported to the National Decertification Index of the International Association of Directors of Law Enforcement and Training or an equivalent database maintained for the purpose of serving as a national registry of certificate or license revocation actions relating to peace officer misconduct.**

**3. Decertified or has had his or her certificate or license to practice or serve as a peace officer revoked or annulled by:**

**(a) The Commission; or**

**(b) A certifying or licensing authority in any other state.**

**Sec. 10.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, inclusive, of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 266.

Bill read third time.

The following amendment was proposed by Assemblywoman Backus:

Amendment No. 942.

SUMMARY—Revises **various** provisions relating to ~~the inclusion of entry fees for participation in certain contests or tournaments as gross revenue of gaming licensees and the reports required by gaming licensees participating in foreign~~ gaming. (BDR 41-943)

AN ACT relating to gaming; excluding certain portions of entry fees paid to participate in certain contests or tournaments from the gross revenue of certain gaming licensees for the purpose of calculating gaming license fees and for certain other purposes; **revising provisions relating to the designation of gaming enterprise districts**; revising requirements relating to the filing of certain information concerning foreign gaming with the Nevada Gaming Control Board; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Nevada Gaming Commission to charge and collect from each licensee a monthly license fee in an amount equal to a certain percentage of the gross revenue of the licensee. (NRS 463.370) Under existing law, the gross revenue on which the monthly license fee is imposed includes entry fees for the right to participate in contests and tournaments, minus certain enumerated deductions. (NRS 463.0161) **Section 1** of this bill excludes from the gross revenue on which the monthly license fee is imposed any portion of entry fees for the right to participate in contests and tournaments conducted on the premises of a licensed gaming establishment with the participants physically present at those premises when participating if the portion of those fees is designated as: (1) employee compensation and used to pay an employee of a licensee additional compensation for being involved in the organization or operation of the contest or tournament; (2) a donation and remitted to certain tax-exempt organizations; (3) an addition to a payoff schedule of the contest or tournament that is paid as a prize to a participant in a present or future contest or tournament; or (4) an addition to an account to pay guaranteed payouts of future contests or tournaments. **Section 1** also clarifies that cash from an entry fee excluded from gross revenue: (1) may not be deducted from gross revenue when paid out or distributed for a purpose other than the purpose for which an exclusion is authorized; and (2) must be included in the calculation of gross revenue for the month in which it is paid out or distributed for a purpose other than the purpose for which an exclusion is authorized.

For the purposes of the regulation of gaming in this State, a nonrestricted licensee is a licensee who is licensed to operate: (1) 16 or more slot machines; (2) any number of slot machines together with any other game, gaming device, race book or sports pool at one establishment; or (3) a slot machine route. (NRS 463.0177) Under existing law, the Commission is: (1) authorized to require nonrestricted licensees with an annual gross revenue of \$1,000,000 or more to report and keep records of all transactions involving cash; and (2) required to

adopt regulations requiring audits of the financial statements of nonrestricted licensees whose annual gross revenue is \$5,000,000 or more, as adjusted annually based on the Consumer Price Index (All Items) for the preceding year. (NRS 463.125, 463.159) Because **section 1** excludes from gross revenue certain portions of the entry fee for the right to participate in contests or tournaments, that revenue would be excluded for the purposes of these calculations.

**Existing law prohibits the Nevada Gaming Commission from approving a nonrestricted license for an establishment in a county whose population is 700,000 or more (currently only Clark County) unless the establishment is located in a gaming enterprise district, which is defined as “an area that has been approved by a county, city or town as suitable for operating an establishment that has been issued a nonrestricted license.” (NRS 463.0158, 463.308) If the location of a proposed establishment is within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone, but not within an area already designated as a gaming enterprise district, the Commission is prohibited from approving a nonrestricted license for the proposed establishment unless the location of the proposed establishment is first designated a gaming enterprise district pursuant to the criteria set forth in NRS 463.3084. (NRS 463.3082) However, if the location of the proposed establishment is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone and not within an area already designated as a gaming enterprise district, the Commission is prohibited from approving a nonrestricted license for the proposed establishment unless the location of the proposed establishment is first designated a gaming enterprise district pursuant to the criteria set forth in NRS 463.3086, which contains certain additional requirements that are not contained in NRS 463.3084, such as: (1) the property line of the proposed establishment must be not less than 500 feet from the property line of a developed residential district and not less than 1,500 feet from the property line of a public school, private school or structure used primarily for religious services or worship; and (2) a three-fourths vote of the governing body of the county, city or town is required for designation of the location as a gaming enterprise district. (NRS 463.3086) Section 1.3 of this bill provides that a proposed establishment that meets certain criteria is not subject to certain requirements of existing law related to the designation of the location of the proposed establishment as a gaming enterprise district.**

Existing law requires certain persons licensed to operate gaming establishments in this State who also conduct gaming operations outside this State to file certain documents with the Nevada Gaming Control Board as soon as the licensee begins participating in gaming outside this State. Thereafter, the licensee is required to file annual and quarterly reports containing certain information concerning the gaming operations outside this State. (NRS 463.710) **Section 1.5** of this bill revises those filing requirements to: (1)

require a notice to be filed when participation in gaming outside this State begins and terminates; (2) eliminate the requirement to file certain annual reports; and (3) revise the content that is required to be included in the required quarterly reports.

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

**Section 1.** NRS 463.0161 is hereby amended to read as follows:

463.0161 1. “Gross revenue” means the total of all:

(a) Cash received as winnings;

(b) ~~Cash~~ **Except as otherwise provided in paragraph (g) of subsection 2,** cash received as entry fees for the right to participate in contests and tournaments;

(c) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and

(d) Compensation received for conducting any game in which the licensee is not party to a wager,

↳ less the total of all cash paid out as losses to patrons, all cash and the cost of any noncash prizes paid out to participants in contests or tournaments not to exceed the total cash or cash equivalents received for the right to participate in the contests or tournaments, those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715.

2. The term does not include:

(a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;

(b) Coins of other countries which are received in gaming devices;

(c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;

(e) Uncollected baccarat commissions; ~~or~~

(f) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed ~~or~~; *or*

**(g) Cash received as entry fees for the right to participate in a contest or tournament conducted on the premises of a licensed gaming establishment with the participants physically present at those premises when participating, if the cash is designated:**

**(1) As employee compensation and paid as compensation to an employee of a licensee who is involved in the organization or operation of the contest or tournament, in addition to the regular compensation of the employee;**

**(2) As a donation to a nonprofit, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26**

*U.S.C. § 501(c) or a nonprofit corporation organized or existing pursuant to chapter 82 of NRS and the amount is remitted to the designated organization;*

*(3) As an addition to a payoff schedule of the contest or tournament that is fixed, or increases automatically over time or as the contest or tournament is played, and that is paid as a prize to a patron participating in the present or a future contest or tournament; or*

*(4) As an addition to an account to fund guaranteed payouts of future contests or tournaments and the disbursement of funds from the account are used to fund guaranteed payouts of future contests or tournaments.*

*↪ The Commission may adopt regulations authorizing the exclusion from gross revenue set forth in paragraph (g) to apply to cash received as entry fees for the right to participate in a contest or tournament other than a contest or tournament conducted on the premises of a licensed gaming establishment with contestants physically present at those premises when participating.*

*3. The amount of cash received as entry fees for the right to participate in a contest or tournament that is excluded from gross revenue pursuant to paragraph (g) of subsection 2:*

*(a) May not be deducted from the amount of the entry fees included in gross revenue pursuant to subsection 1 if the amount is paid or distributed for any purpose other than a purpose set forth in paragraph (g) of subsection 2;*

*(b) Must be included in gross revenue for the month in which the amount is paid out or distributed for a purpose other than a purpose set forth in paragraph (g) of subsection 2.*

*4. As used in this section, “baccarat commission” means:*

*(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or*

*(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.*

***Sec. 1.3. NRS 463.3086 is hereby amended to read as follows:***

***463.3086 1. If the location of a proposed establishment:***

***(a) Is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone; and***

***(b) Is not within a gaming enterprise district,***

***↪ the Commission shall not approve a nonrestricted license for the establishment unless the location of the establishment is designated a gaming enterprise district pursuant to this section.***

***2. If a person is proposing to operate an establishment with a nonrestricted license and the location of the proposed establishment:***

***(a) Is not within the Las Vegas Boulevard gaming corridor or the rural Clark County gaming zone; and***

***(b) Is not within a gaming enterprise district,***

↪ the person may petition the county, city or town having jurisdiction over the location of the proposed establishment to designate the location of the proposed establishment a gaming enterprise district pursuant to this section.

3. If a person files a petition pursuant to subsection 2, the county, city or town shall, at least 10 days before the date of the hearing on the petition, mail a notice of the hearing to:

(a) Each owner of real property whose property line is less than 2,500 feet from the property line of the proposed establishment;

(b) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the proposed establishment, to the extent this notice does not duplicate the notice given pursuant to paragraph (a);

(c) Each tenant of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed establishment; and

(d) Any advisory board that represents one or more owners of real property or tenants of a mobile home park whose property line is less than 2,500 feet from the property line of the proposed establishment.

↪ The notice must be written in language that is easy to understand and must set forth the date, time, place and purpose of the hearing and contain a physical description or map of the location of the proposed establishment. The petitioner shall pay the costs of providing the notice that is required by this subsection.

4. Any interested person is entitled to be heard at the hearing on the petition.

5. The county, city or town shall cause the hearing on the petition to be reported by a court reporter who is certified pursuant to chapter 656 of NRS. The petitioner shall pay the costs of having the hearing reported.

6. At the hearing, the petitioner must prove by clear and convincing evidence that:

(a) The roads, water, sanitation, utilities and related services to the location are adequate;

(b) The proposed establishment will not unduly impact public services, consumption of natural resources and the quality of life enjoyed by residents of the surrounding neighborhoods;

(c) The proposed establishment will enhance, expand and stabilize employment and the local economy;

(d) The proposed establishment will be located in an area planned or zoned for that purpose pursuant to NRS 278.010 to 278.630, inclusive;

(e) The proposed establishment will not be detrimental to the health, safety or general welfare of the community or be incompatible with the surrounding area;

(f) ~~On~~ Except as otherwise provided in subsection 7, on the date that the petition was filed, the property line of the proposed establishment was not less than:

(1) Five hundred feet from the property line of a developed residential district; and



(2) Fifteen hundred feet from the property line of a public school, private school or structure used primarily for religious services or worship; and

(g) ~~[(The)]~~ **Except as otherwise provided in subsection 7, the** proposed establishment will not adversely affect:

(1) A developed residential district; or

(2) A public school, private school or structure used primarily for religious services,

↳ whose property line is within 2,500 feet from the property line of the proposed establishment.

7. **The provisions of paragraphs (f) and (g) of subsection 6 do not apply if:**

**(a) The location of the proposed establishment consists of 20 or more contiguous acres;**

**(b) The property line of the proposed establishment is separated by an interstate highway from the property line of any developed residential district, public school, private school or structure used primarily for religious services; and**

**(c) Part of the location of the proposed establishment is within the Las Vegas Boulevard gaming corridor.**

8. A three-fourths vote of the governing body of the county, city or town is required to grant the petition to designate the location of the proposed establishment a gaming enterprise district pursuant to this section.

~~§ 9.~~ A county, city or town that denies a petition submitted pursuant to this section shall not consider another petition concerning the same location or any portion thereof for 1 year after the date of the denial.

~~§ 10.~~ As used in this section:

(a) “Developed residential district” means a parcel of land zoned primarily for residential use in which at least one completed residential unit has been constructed on the date that the petitioner files a petition pursuant to this section.

(b) “Private school” has the meaning ascribed to it in NRS 394.103.

(c) “Public school” has the meaning ascribed to it in NRS 385.007.

**Sec. 1.5.** NRS 463.710 is hereby amended to read as follows:

463.710 Unless otherwise ordered by the Board or Commission, a licensee who participates in foreign gaming shall file with the Board:

1. As soon as participation in foreign gaming begins, ~~[all documents filed by the licensee or by an affiliate with the foreign jurisdiction.]~~ **a notice indicating that fact.**

2. ~~[Annual operational and regulatory reports describing compliance with regulations, procedures for audit, and procedures for surveillance relating to the foreign gaming operation.~~

~~—3.]~~ Quarterly reports regarding any of the following information which is within the knowledge of the licensee:

(a) Any changes in ownership or control of any interest in the foreign gaming operation;

(b) Any changes in officers, directors or key employees ; ~~of the foreign gaming operation;~~

(c) All complaints, disputes, orders to show cause and disciplinary actions, related to gaming, instituted or presided over by an entity of the United States, a state or any other governmental jurisdiction ~~concerning the foreign gaming operation;~~ **outside this State;**

(d) Any arrest of an employee ~~of the foreign gaming operation~~ involving cheating or theft, related to gaming, in the foreign jurisdiction; and

(e) Any arrest or conviction of an officer, director, key employee or owner of equity in the foreign gaming operation for an offense that would constitute a gross misdemeanor or felony in this state.

**3. As soon as participation in foreign gaming has entirely ceased, a notice indicating that fact.**

4. Such other information as the Commission requires by regulation.

**Sec. 2.** This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 368.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 951.

AN ACT relating to real property; prescribing a procedure for removing certain discriminatory restrictions or prohibitions from a written instrument relating to real property; requiring the Real Estate Division of the Department of Business and Industry to prescribe a restrictive covenant modification form; eliminating certain provisions relating to a declaration of removal of a discriminatory restriction or prohibition; requiring each county recorder in this State to provide certain notice to each owner who recorded a declaration of removal of a discriminatory restriction or prohibition with the office of the county recorder; **making appropriations;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that any restriction or prohibition in a written instrument relating to real property that purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of the real property or purports to limit, restrict or prohibit the use or occupation of the real property on the basis of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression is void and unenforceable by operation of law. Existing law authorizes an owner of real property that is subject to such a restriction or prohibition to record a declaration of removal of the discriminatory restriction or prohibition by filing a declaration form with the county recorder of the county in which the real

property is located. If an owner files such a form, existing law requires the county recorder to attach the declaration form to the original recorded instrument to indicate that the discriminatory restriction or prohibition is void. (NRS 111.237)

**Section 1.3** of this bill eliminates provisions relating to the filing and recordation of a declaration of removal of a discriminatory restriction or prohibition. Instead, **section 1.3** prescribes a procedure for removing a discriminatory restriction or prohibition from a written instrument relating to real property. **Section 1.3** requires an interested person who wishes to remove a discriminatory restriction or prohibition from a written instrument to file a petition in the district court requesting that the court issue an order directing the county recorder to record a restrictive covenant modification document, which redacts from a written instrument any discriminatory restriction or prohibition identified by the court in its order. If, after considering such a petition and any objections, the district court determines that a restriction or prohibition identified in a petition is void and unenforceable by operation of law, **section 1.3** requires the district court to issue an order directing the appropriate county recorder to record a restrictive covenant modification document. If the district court issues such an order, **section 1.3** authorizes an interested person to record a restrictive covenant modification document by filing with the appropriate county recorder: (1) a restrictive covenant modification form; (2) a certified copy of the written instrument; and (3) a certified copy of the court order. Upon receipt of these documents, **section 1.3** requires the county recorder to: (1) redact from the written instrument any language identified in the court order; (2) record and index the restrictive covenant modification document and restrictive covenant modification form; and (3) retain the original written instrument as a public record for historical purposes.

**Section 1** of this bill defines certain terms relating to the procedure prescribed by **section 1.3**. **Section 2** of this bill makes a conforming change relating to the recordation of a restrictive covenant modification document or restrictive covenant modification form.

**Section 1.5** of this bill requires the Real Estate Division of the Department of Business and Industry to: (1) solicit recommendations concerning the design and contents of a restrictive covenant modification form; and (2) prescribe such a form.

**Section 2.5 of this bill makes appropriations to the University of Nevada, Las Vegas, and the University of Nevada, Reno, to pay costs associated with: (1) identifying, locating and mapping certain real property subject to a discriminatory restriction or prohibition; (2) removing discriminatory restrictions or prohibitions from written instruments using the procedure prescribed by section 1.3; (3) documenting certain information; and (4) providing education or outreach concerning the procedure prescribed by section 1.3.**

**Section 3** of this bill requires each county recorder in this State to provide certain notice to each owner who recorded a declaration of removal of a discriminatory restriction or prohibition with the office of the county recorder.

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

**Section 1.** NRS 111.010 is hereby amended to read as follows:

111.010 As used in this chapter:

1. “Conveyance” shall be construed to embrace every instrument in writing, except a last will and testament, whatever may be its form, and by whatever name it may be known in law, by which any estate or interest in lands is created, aliened, assigned or surrendered.

2. “Estate and interest in lands” shall be construed and embrace every estate and interest, present and future, vested and contingent, in lands as defined in subsection 3.

3. “Lands” shall be construed as coextensive in meaning with lands, tenements and hereditaments, and shall include in its meaning all possessory right to the soil for mining and other purposes.

4. ***“Restrictive covenant modification document” means a certified copy of a written instrument which redacts from the written instrument any language identified in a court order issued pursuant to NRS 111.237.***

5. ***“Restrictive covenant modification form” means the form prescribed by the Real Estate Division of the Department of Business and Industry pursuant to NRS 111.2375.***

**Sec. 1.3.** NRS 111.237 is hereby amended to read as follows:

111.237 1. Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of such real property to any person of a specified race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable and every restriction or prohibition as to the use or occupation of real property because of the user’s or occupier’s race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable.

2. Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition directly or indirectly limits the acquisition, use or occupation of such property because of the acquirer’s, user’s or occupier’s race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable.

3. ~~3. The owner or owners of any real property subject to a~~ A restriction or prohibition that is void and unenforceable by operation of law pursuant to subsection 1 or 2 may ~~be removed from a written instrument using the restrictive covenant modification procedure provided in this section.~~ ***be removed from a written instrument using the restrictive covenant modification procedure provided in this section.***

4. *An interested person who wishes to remove from a written instrument any restriction or prohibition that is void and unenforceable by operation of law must file a petition in the district court requesting that the court issue an order directing the county recorder to record a restrictive covenant modification document. Any such petition must:*

(a) *Be made on a form prescribed by the ~~Real Estate Division~~ clerk of the ~~Department of Business and Industry pursuant to NRS 111.2375~~ declaring that all such restrictions* court;

(b) *Specifically identify any restriction or ~~prohibitions are removed from~~ prohibition the ~~referenced original~~ interested person seeks to have redacted from the* written instrument ~~;~~

~~4. The form must be completed and signed by~~; and

(c) *Be accompanied by:*

(1) *An affidavit that states that the petitioner meets the definition of “interested person” set forth in subsection 14, if the petitioner is not the owner or owners of the real property; and*

(2) *A copy of the written instrument.*

5. *If the petitioner is not the owner or owners of the real property ~~and~~, a copy of the petition must be served upon each owner of the property by mailing a copy of the petition by certified mail, return receipt requested, to each owner at his or her place of residence or to the registered agent of each owner at the address of the registered agent.*

6. *If, within 10 days after service of the petition:*

(a) *No written objection is filed, ~~in~~ the ~~office of~~ district court may consider the petition without a hearing.*

(b) *A written objection is filed, the district court shall set the matter for a hearing.*

7. *After considering the petition and any objections, if the district court determines that a restriction or prohibition identified in the petition is void and unenforceable by operation of law pursuant to subsection 1 or 2, the district court shall issue an order directing the county recorder of the county in which the real property is located ~~;~~*

~~5.]~~ *to record a restrictive covenant modification document. An order issued pursuant to this subsection must clearly identify the language that must be redacted in the restrictive covenant modification document.*

8. *If the ~~form is filed with the appropriate county recorder~~ district court issues an order pursuant to subsection ~~4.]~~ 7, an interested person may record a restrictive covenant modification document by filing with the appropriate county recorder:*

(a) *A completed, signed restrictive covenant modification form;*

(b) *A certified copy of the written instrument; and*

(c) *A certified copy of a court order issued pursuant to subsection 7.*

9. *Upon receipt of the documents required by subsection 8, the county recorder shall ~~record and index the form with any other restriction or~~*

~~prohibition upon real property, including, without limitation, real property within a common interest community pursuant to chapter 116 of NRS.~~

~~6. If the form is not filed with the county recorder of the appropriate county pursuant to subsection 4, the county recorder shall transfer the form to the county recorder of the appropriate county for recording and indexing in the manner described in subsection 5.~~

~~7.] :~~

*(a) Redact from the certified copy of the written instrument any language identified in the order;*

*(b) Record and index:*

*(1) The restrictive covenant modification document; and*

*(2) The restrictive covenant modification form; and*

*(c) Retain the original written instrument as a public record for historical purposes.*

*10. The decision of the district court is not appealable.*

*11. No fee may be charged by:*

*(a) The clerk of the court for:*

*(1) The filing of a petition or written objection pursuant to this section;*

*or*

*(2) Providing a certified copy of a court order issued pursuant to subsection 7; or*

*(b) The county recorder for any filing, indexing or recording required pursuant to subsection 9.*

*12. The filing of a petition pursuant to subsection 4 does not constitute grounds for delaying any probate proceeding, divorce proceeding or bankruptcy proceeding to which an owner is a party.*

*13. Nothing in this section regarding familial status shall be construed to apply to housing for older persons so long as such housing complies with the requirements of 42 U.S.C. § 3607.*

~~§.] 14.~~ As used in this section:

*(a) “Disability” means, with respect to a person:*

*(1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;*

*(2) A record of such an impairment; or*

*(3) Being regarded as having such an impairment.*

*(b) “Familial status” means the fact that a person:*

*(1) Lives with a child under the age of 18 and has:*

*(I) Lawful custody of the child; or*

*(II) Written permission to live with the child from the person who has*

*lawful custody of the child;*

*(2) Is pregnant; or*

*(3) Has begun the proceeding to adopt or otherwise obtain lawful custody of a child.*

*(c) “Interested person” includes:*

*(1) The owner or owners of the real property.*

(2) *A representative of a common-interest community, if the real property is located within a common-interest community.*

(3) *A nonprofit organization or academic institution whose mission, in whole or in part, is to combat discrimination based upon race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression.*

**Sec. 1.5.** NRS 111.2375 is hereby amended to read as follows:

111.2375 1. The Real Estate Division of the Department of Business and Industry shall:

(a) Solicit recommendations from the county recorder of each county concerning the design and contents of a *restrictive covenant modification* form that may be used ~~to make a declaration of removal of~~ *for the purpose of redacting and removing* a discriminatory restriction pursuant to NRS 111.237.

(b) Prescribe such a form after considering all recommendations solicited pursuant to paragraph (a).

2. ~~The form must provide for the inclusion of the following:~~

~~—(a) Identifying information concerning the original written instrument that contains a prohibition or restriction that is void and unenforceable pursuant to NRS 111.237;~~

~~—(b) The name or names of the owner or owners of the property;~~

~~—(c) The assessor's parcel number;~~

~~—(d) The legal description of the real property as provided in the original written instrument;~~

~~—(e) The mailing address of the owner or owners of the property; and~~

~~—(f) The following statements in 14-point font, in substantially the following form:~~

~~—(1) The referenced original written instrument contains discriminatory restrictions that are void and unenforceable pursuant to NRS 111.237. This declaration removes from the referenced original instrument all provisions that are void and unenforceable pursuant to NRS 111.237 and is valid solely for that purpose; and~~

~~—(2) All persons in this State shall have an equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression pursuant to chapter 118 of NRS.~~

~~—3.] The form must be made available, free of charge:~~

(a) By the Real Estate Division at its principal office designated pursuant to NRS 645.170 and at each branch office established pursuant to NRS 645.170 and on any Internet website maintained by the Division; and

(b) By the county recorder at the office of the county recorder and on any Internet website maintained by the county recorder in his or her official capacity.

**Sec. 2.** NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a ~~declaration of removal of discriminatory restriction,~~ **restrictive covenant modification form, a restrictive covenant modification document**, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, any conveyance of real property or instrument in writing setting forth an agreement to convey real property or a notice pursuant to NRS 111.3655 unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

- (a) A grant, bargain and sale deed;
- (b) Quitclaim deed;
- (c) Warranty deed; or
- (d) Trustee's deed upon sale,

↪ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.



**Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the University of Nevada, Las Vegas, for the purposes set forth in subsection 3 the following sums:**

**For the Fiscal Year 2023-2024..... \$75,000**

**For the Fiscal Year 2024-2025..... \$75,000**

**2. There is hereby appropriated from the State General Fund to the University of Nevada, Reno, for the purposes set forth in subsection 3 the following sums:**

**For the Fiscal Year 2023-2024..... \$75,000**

**For the Fiscal Year 2024-2025..... \$75,000**

**3. The money appropriated by subsections 1 and 2 must be used by the University of Nevada, Las Vegas, or the University of Nevada, Reno, as applicable, to pay costs associated with:**

**(a) Identifying, locating and mapping any real property subject to a restriction or prohibition that is void and unenforceable by operation of the law pursuant to NRS 111.237, as amended by section 1.3 of this act;**

**(b) Removing restrictions or prohibitions that are void and unenforceable by operation of the law from written instruments using the restrictive covenant modification procedure set forth in NRS 111.237, as amended by section 1.3 of this act;**

**(c) Documenting the history of structural racism in this State, the harm wrought by restrictive covenants and the perseverance of the residents of this State affected by restrictive covenants; and**

**(d) Providing education or outreach concerning the restrictive covenant modification procedure set forth in NRS 111.237, as amended by section 1.3 of this act.**

**4. Any balance of the sums appropriated by subsections 1 and 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.**

**Sec. 3. As soon as reasonably practicable on or after October 1, 2023, each county recorder in this State shall provide notice of the provisions of this act to each owner who, before October 1, 2023, recorded a form declaring that a restriction or prohibition is removed from an original written instrument.**

**Sec. 4. (Deleted by amendment.)**

**Sec. 5. 1. This section and section 4 of this act become effective upon passage and approval.**

**2. Section 2.5 of this act becomes effective on July 1, 2023.**

**3. Sections 1 to 2, inclusive, and 3 of this act become effective on October 1, 2023.**

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 277.

Bill read third time.

The following amendment was proposed by Assemblywoman Marzola:

Amendment No. 948.

AN ACT relating to cannabis; revising provisions relating to cannabis establishment agents; requiring the Cannabis Compliance Board to consider certain matters before adopting, amending or repealing any regulation; revising provisions relating to the issuance and renewal of licenses and registration cards by the Board; revising certain restrictions on sales of cannabis; requiring the Board to develop and implement a process by which a person may petition for an exemption from certain provisions related to excluded felony offenses; ~~increasing~~ **decreasing** certain fees for the issuance and renewal of an adult-use cannabis establishment license; authorizing cannabis establishments to have more than one entrance; deeming each adult-use cannabis establishment to be a dual licensee; revising the exemption from state prosecution for certain offenses relating to cannabis to increase the amount of cannabis and concentrated cannabis that a person who is 21 years of age or older is authorized to possess, deliver or produce; authorizing certain local governments to use money collected from a licensing tax on cannabis establishments for certain purposes; revising provisions relating to the excise tax on cannabis; revising the definition of the term “marijuana”; requiring the Cannabis Advisory Commission to conduct a study concerning certain matters relating to the scheduling of cannabis; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides for the licensure and regulation of persons and establishments involved in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) Existing law sets forth the method by which the Board may adopt, amend or repeal regulations. (NRS 678A.460) **Section 1.5** of this bill requires the Board, before adopting, amending or repealing any regulation, to consider whether the proposed action is likely to have an adverse effect on the environment and, if so, whether there are any methods to reduce or eliminate that adverse effect which would not impose an economic burden on holders of an adult-use cannabis establishment license or medical cannabis establishment license.

Existing law establishes different requirements for the cultivation, production and sale of cannabis and cannabis products depending upon whether the cannabis establishment engaging in such activities is an adult-use cannabis establishment or a medical cannabis establishment. (Chapters 678C

and 678D of NRS) Under existing law, a person who holds both an adult-use cannabis establishment license and a medical cannabis establishment license of the same type is a “dual licensee” and is, in general, authorized to combine the operations of the adult-use cannabis establishment and medical cannabis establishment, subject to various requirements. (NRS 678A.145, 678C.410, 678C.430, 678D.430) **Section 13** of this bill deems each adult-use cannabis establishment to be a dual licensee and authorizes the establishment to engage in activities relating to the medical use of cannabis to the same extent as if the adult-use cannabis establishment held a medical cannabis establishment license of the same type. **Section 15** of this bill exempts from the excise tax imposed on retail sales of cannabis or cannabis products by an adult-use cannabis retail store any sale of cannabis for the medical use of cannabis or a medical cannabis product to the holder of a registry identification card or letter of approval by an adult-use cannabis retail store deemed to be a dual licensee pursuant to **section 13**.

**Sections 3, 5 and 6** of this bill prohibit the Board from issuing or renewing a medical cannabis establishment license on or after January 1, 2024, unless the medical cannabis establishment is located in a local governmental jurisdiction that is a “covered jurisdiction,” which **section 3** defines to mean a local governmental jurisdiction that has adopted local cannabis control measures which prohibit the operation of adult-use cannabis establishments. **Section 17** of this bill sets forth a process by which a person who holds a medical cannabis establishment license on January 1, 2024, for a medical cannabis establishment that is not located in a covered jurisdiction may apply for and be issued an adult-use cannabis establishment license of the same type. **Section 3** sets forth a similar process to allow a person who holds a medical cannabis establishment license for a medical cannabis establishment that is located in a covered jurisdiction to apply for and be issued an adult-use cannabis establishment license of the same type if the local governmental jurisdiction in which the establishment is located ceases to be a covered jurisdiction.

Existing law imposes limits on the number of: (1) medical cannabis establishment licenses for medical cannabis dispensaries and adult-use cannabis establishment licenses for adult-use cannabis retail stores that the Board is authorized to issue within a county; and (2) medical cannabis establishment licenses and adult-use cannabis establishment licenses that a single person, group of persons or entity is authorized to hold in a county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 678B.220, 678B.230, 678B.260, 678B.270) **Sections 3 and 17** deem an adult-use cannabis establishment license issued pursuant to those sections to be a medical cannabis establishment license for the purpose of those limitations, thereby exempting such a license from the limitations applicable to adult-use cannabis establishment licenses while continuing to subject such licenses to the limitations applicable to medical cannabis establishment licenses.

**Section 10** of this bill ~~increases~~ **decreases** the maximum amount of the fees that the Board is authorized to charge for the issuance or renewal of an adult-use cannabis establishment license ~~1~~, **other than the fee for the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store, to an amount that is equal to the amount set forth under existing law for the issuance or renewal, as applicable, of a medical cannabis establishment license of the same type.**

Existing law requires a cannabis establishment that is: (1) a cannabis sales facility to have a single secure entrance for patrons; and (2) not a cannabis sales facility to have a single secure entrance. (NRS 678B.510) **Section 11** of this bill authorizes any cannabis establishment to have more than one entrance so long as each entrance is secure.

Existing law provides an exemption from state prosecution for the possession, delivery and production of cannabis for: (1) a person who holds a valid registry identification card or letter of approval; and (2) a person who is 21 years of age or older. (NRS 678C.200, 678D.200) However, under existing law, that exemption is subject to certain limitations. For a person who is 21 years of age or older, that exemption applies only to the extent that the person does not, at any one time, possess, deliver or produce more than: (1) one ounce of usable cannabis; (2) one-eighth of an ounce of concentrated cannabis; (3) six cannabis plants; and (4) a maximum allowable quantity of adult-use cannabis products established by regulation of the Board. (NRS 678D.200) **Section 14** of this bill increases the amount of usable cannabis, from 1 ounce to 2.5 ounces, and the amount of concentrated cannabis, from one-eighth of an ounce to one-fourth of an ounce, that a person who is 21 years of age or older is authorized to possess, deliver or produce at any one time and remain subject to the exemption from state prosecution for the possession, delivery and production of cannabis.

Existing law prohibits a medical cannabis dispensary from selling to a person more than 1 ounce of cannabis in any one transaction. (NRS 678C.440) Existing regulations of the Board prohibit any cannabis sales facility from selling to any consumer an amount of cannabis or cannabis products which exceeds: (1) one ounce of usable cannabis; (2) one-eighth of an ounce of concentrated cannabis or cannabis products containing not more than 3,543 milligrams of THC; or (3) a combination of usable and concentrated cannabis not to exceed the legal limit. (Nev. Cannabis Compliance Bd. Regs. § 7.025) **Section 12** of this bill eliminates provisions prohibiting a medical cannabis dispensary from selling to a person more than 1 ounce of cannabis in any one transaction. **Section 4** of this bill instead prohibits any cannabis sales facility from selling to a person in any one transaction more than 2.5 ounces of usable cannabis or one-fourth of an ounce of concentrated cannabis.

Existing law prohibits the Board from issuing a: (1) medical cannabis establishment license or adult-use cannabis establishment license if any of the persons proposed to be owners, officers or board members of the proposed medical or adult-use cannabis establishment have been convicted of an

excluded felony offense; and (2) cannabis establishment agent registration card if the applicant for the registration card has been convicted of an excluded felony offense. (NRS 678B.210, 678B.250, 678B.340) **Section 4.5** of this bill requires the Board to develop and implement a process by which a person who has been convicted of an excluded felony offense may submit to the Board a petition for an exemption from those prohibitions. **Section 4.5** authorizes the Board to: (1) grant the exemption only if the Board determines that doing so would not pose a threat to the public health or safety or negatively impact the cannabis industry in this State; and (2) impose any conditions and limitations on the granting of an exemption that the Board determines necessary to preserve the public health and safety or mitigate the impact of granting the exemption on the cannabis industry in this State. **Section 4.5** requires the Board to adopt regulations to carry out the provisions of **section 4.5**. **Sections 5, 7 and 8** of this bill revise provisions setting forth the prohibitions concerning excluded felony offenses to reflect the authorization provided in **section 4.5** for the Board to grant an exemption from those prohibitions.

Existing law requires a person who holds an ownership interest of less than 5 percent in a cannabis establishment to register with the Board as a cannabis establishment agent and obtain a cannabis establishment agent registration card. (NRS 678B.340) **Section 8** of this bill eliminates that requirement. **Section 1** of this bill eliminates provisions authorizing the Board to adopt regulations establishing policies and procedures pursuant to which the Board may waive the requirement for a person who holds an ownership interest in a cannabis establishment of less than 5 percent to reflect the elimination of that requirement in **section 8**.

Existing law authorizes the board of county commissioners of a county and the governing body of an incorporated city to fix, impose and collect a license tax on cannabis establishments. (NRS 244.35253, 268.0977) **Sections 14.3 and 14.6** of this bill authorize the board of county commissioners of a county and the governing body of an incorporated city to use any portion of any money collected from that license tax to educate the public on safely purchasing cannabis and cannabis products from licensed cannabis establishments and the safe consumption of cannabis products.

Existing law defines “marijuana” for the purposes of the regulation of controlled substances. (NRS 453.096) **Section 15.5** of this bill excludes from the definition of “marijuana”: (1) root balls which have been fully separated from the stalks of the plant of the genus *Cannabis* after harvest; and (2) the seeds of that plant.

Under the federal Controlled Substances Act, cannabis, referred to as “marihuana,” is included in the list of controlled substances in schedule I. (21 U.S.C. § 812) Similarly, existing regulations adopted by the State Board of Pharmacy pursuant to the provisions of the state Uniform Controlled Substances Act include cannabis, referred to as “marijuana,” in the list of controlled substances in schedule I. (NRS 453.011-453.348; NAC 453.510) **Section 16** of this bill requires the Cannabis Advisory Commission to conduct

a study concerning the potential effects of the removal of cannabis from the list of controlled substances included in schedule I pursuant to the federal Controlled Substances Act or the state Uniform Controlled Substances Act on the cannabis industry in this State.

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

**Section 1.** NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

- (a) Financial requirements for licensees.
- (b) Establishing such investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title.
- (c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.
- (d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

~~(e) [Policies and procedures governing the circumstances under which the Board may waive the requirement to obtain a registration card pursuant to this title for any person who holds an ownership interest of less than 5 percent in any one cannabis establishment or an ownership interest in more than one cannabis establishment of the same type that, when added together, is less than 5 percent.~~

~~(f)~~ Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

~~(g)~~ (f) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

~~(h)~~ (g) Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

- (a) Owner and manager of a cannabis establishment.
- (b) Holder of a cannabis establishment agent registration card.

3. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for

transmission to the Legislature on or before January 1 of each odd-numbered year.

4. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, “emerging small cannabis business” means a cannabis-related business that:

- (a) Is in existence, operational and operated for a profit;
- (b) Maintains its principal place of business in this State; and
- (c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

**Sec. 1.5.** NRS 678A.460 is hereby amended to read as follows:

678A.460 1. The Board shall adopt, amend and repeal regulations in accordance with the following procedures:

(a) At least 30 days before a meeting of the Board at which the adoption, amendment or repeal of a regulation is considered, notice of the proposed action must be:

- (1) Posted on the Internet website of the Board;
- (2) Mailed to every person who has filed a request therefor with the Board; and
- (3) When the Board deems advisable, mailed to any person whom the Board believes would be interested in the proposed action, and published in such additional form and manner as the Board prescribes.

(b) The notice of proposed adoption, amendment or repeal must include:

- (1) A statement of the time, place and nature of the proceedings for adoption, amendment or repeal;
- (2) Reference to the authority under which the action is proposed; and
- (3) Either the express terms or an informative summary of the proposed action.

(c) On the date and at the time and place designated in the notice, the Board shall afford any interested person or his or her authorized representative, or both, the opportunity to present statements, arguments or contentions in writing, with or without opportunity to present them orally. ~~[The Board shall consider all relevant matter presented to it before adopting, amending or repealing any regulation.]~~

(d) ***Before adopting, amending or repealing any regulation, the Board shall consider:***

***(1) Whether the proposed action is likely to have an adverse effect on the environment and, if so, whether there are any methods to reduce or eliminate that adverse effect which would not impose an economic burden upon licensees; and***

***(2) All relevant matter presented to the Board.***

(e) Any interested person may file a petition with the Board requesting the adoption, amendment or repeal of a regulation. The petition must state, clearly and concisely:

(1) The substance or nature of the regulation, amendment or repeal requested;

(2) The reasons for the request; and

(3) Reference to the authority of the Board to take the action requested.

↳ Upon receipt of the petition, the Board shall within 45 days deny the request in writing or schedule the matter for action pursuant to this subsection.

2. In emergencies, the Board may summarily adopt, amend or repeal any regulation if:

(a) The Board submits to the Governor:

(1) A written finding that such action is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare; and

(2) A written statement of the facts constituting an emergency;

(b) The Governor endorses the written finding and written statement described in paragraph (a) by written endorsement at the end of the full text of the written statement and written finding; and

(c) The Board files the written statement and written finding endorsed by the Governor at the same time it adopts, amends or repeals the regulation.

3. In any hearing held pursuant to this section, the Board or its authorized representative may administer oaths or affirmations, and may continue or postpone the hearing from time to time and at such places as it prescribes.

4. The Board shall file a copy of any regulation adopted, amended or repealed by the Board with the Legislative Counsel as soon as practicable after adoption, amendment or repeal. The adoption, amendment or repeal of a regulation by the Board becomes effective upon filing with the Secretary of State. The Board shall not file a regulation with the Secretary of State until 15 days after the date on which the regulation was adopted, amended or repealed by the Board.

5. Upon the request of a Legislator, the Legislative Commission may examine a regulation adopted, amended or repealed by the Board that is not yet effective pursuant to subsection 4 to determine whether the regulation conforms to the statutory authority pursuant to which it was adopted and whether the regulation carries out the intent of the Legislature in granting that authority.

6. Except as otherwise provided in subsection 7, the Legislative Commission shall:

(a) Review the regulation at its next regularly scheduled meeting if the request for examination of the regulation is received more than 10 working days before the meeting; or

(b) Refer the regulation for review to the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067.

7. If the Board determines that an emergency exists which requires a regulation of the Board for which a Legislator requested an examination pursuant to subsection 5 to become effective before the next meeting of the Legislative Commission is scheduled to be held, the Board may notify the



Legislative Counsel in writing of the emergency. Upon receipt of such a notice, the Legislative Counsel shall refer the regulation for review by the Subcommittee to Review Regulations as soon as practicable.

8. If the Legislative Commission, or the Subcommittee to Review Regulations if the regulation was referred to the Subcommittee, approves the regulation, the Legislative Counsel shall notify the Board that the Board may file the regulation with the Secretary of State. If the Commission or the Subcommittee objects to the regulation after determining that:

- (a) The regulation does not conform to statutory authority; or
- (b) The regulation does not carry out legislative intent,

↪ the Legislative Counsel shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the Board.

9. If the Legislative Commission or the Subcommittee to Review Regulations has objected to a regulation, the Board shall revise the regulation to conform to the statutory authority pursuant to which it was adopted and to carry out the intent of the Legislature in granting that authority and return it to the Legislative Counsel within 60 days after the Board received the written notice of the objection to the regulation pursuant to subsection 8. Upon receipt of the revised regulation, the Legislative Counsel shall resubmit the regulation to the Legislative Commission or the Subcommittee for review. If the Legislative Commission or the Subcommittee approves the revised regulation, the Legislative Counsel shall notify the Board that the Board may file the revised regulation with the Secretary of State.

10. If the Legislative Commission or the Subcommittee to Review Regulations objects to the revised regulation, the Legislative Counsel shall attach to the revised regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the revised regulation to the Board. The Board shall continue to revise the regulation and resubmit it to the Legislative Commission or the Subcommittee within 30 days after the Board receives a written notice of the objection to the revised regulation.

**Sec. 2.** Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 4.5 of this act.

**Sec. 3. 1.** *Except as otherwise provided in this section, the Board shall not, on or after January 1, 2024, issue any additional medical cannabis establishment licenses or renew a medical cannabis establishment license pursuant to NRS 678B.210.*

**2.** *The Board may, on or after January 1, 2024:*

*(a) Issue a medical cannabis establishment license to an applicant pursuant to NRS 678B.210 if the proposed medical cannabis establishment will be located in a local governmental jurisdiction that is a covered jurisdiction.*

*(b) Renew the medical cannabis establishment license of a medical cannabis establishment pursuant to NRS 678B.210 so long as the local*

*governmental jurisdiction in which the medical cannabis establishment is located is a covered jurisdiction.*

*3. If a local governmental jurisdiction that is a covered jurisdiction ceases to be a covered jurisdiction, a person who holds a medical cannabis establishment license for a medical cannabis establishment located in the local governmental jurisdiction may, upon expiration of the license, submit an application to the Board for the issuance of an adult-use cannabis establishment license of the same type.*

*4. An application submitted pursuant to subsection 3 must:*

*(a) Contain the same information as required for the renewal of a medical cannabis establishment license pursuant to NRS 678B.210; and*

*(b) Be accompanied by a fee in an amount that is equal to the fee for the renewal of an adult-use cannabis establishment license of the same type as that of the medical cannabis establishment license which has expired, as set forth in NRS 678B.390.*

*5. If the Board determines that the applicant would have been eligible to renew the medical cannabis establishment license which has expired, the Board shall issue to the applicant an adult-use cannabis establishment license of the same type.*

*6. Except as otherwise provided in subsection 7, an adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be an adult-use cannabis establishment license issued by the Board pursuant to NRS 678B.250.*

*7. An adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be medical cannabis establishment license of the same type for the purposes of NRS 678B.220, 678B.230, 678B.260 and 678B.270.*

*8. As used in this section:*

*(a) “Covered jurisdiction” means a local governmental jurisdiction that has adopted local cannabis control measures which prohibit the operation of adult-use cannabis establishments in the local governmental jurisdiction.*

*(b) “Local governmental jurisdiction” means a city or unincorporated area within a county.*

*Sec. 4. A cannabis sales facility shall not sell to a person, in any one transaction, more than 2.5 ounces of usable cannabis or more than one-fourth of an ounce of concentrated cannabis.*

*Sec. 4.5. 1. The Board shall develop and implement a process by which a person who has been convicted of an excluded felony offense may submit to the Board a petition for an exemption from the provisions of:*

*(a) Paragraph (b) of subsection 3 of NRS 678B.210.*

*(b) Paragraph (b) of subsection 3 of NRS 678B.250.*

*(c) Paragraph (a) of subsection 6 of NRS 678B.340.*

*2. The Board shall, in accordance with procedures established by the Board by regulation, review and evaluate each petition submitted pursuant*

*to subsection 1 and grant or deny the exemption. The Board shall provide written notice to the petitioner of its decision to grant or deny the exemption.*

*3. The Board may grant an exemption pursuant to this section only if the Board determines that granting the exemption would not:*

- (a) Pose a threat to the public health or safety; or*
- (b) Negatively impact the cannabis industry in this State.*

*4. The Board may impose any conditions and limitations on the granting of an exemption pursuant to this section as the Board determines necessary to preserve the public health and safety or mitigate the impact of the granting of the exemption on the cannabis industry in this State. Such conditions and limitations may include, without limitation, conditions and limitations on the conduct of the petitioner in the cannabis industry in this State and the cannabis-related activities in which the petitioner is authorized to engage.*

*5. The Board shall adopt regulations to carry out the provisions of this section.*

**Sec. 5.** NRS 678B.210 is hereby amended to read as follows:

678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.220, 678B.230 and 678B.240, **and section 3 of this act**, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

- (1) The application fee, as set forth in NRS 678B.390;
- (2) An application, which must include:

- (I) The legal name of the proposed medical cannabis establishment;

- (II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a

nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than \$250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to NRS 678C.420 and 678C.430;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) ~~None~~ ***Except as otherwise provided in section 4.5 of this act, none*** of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license or adult-use cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6 [7] *and section 3 of this act*, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

- (a) Submission of the information required by the Board by regulation; and
- (b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, “community facility” means:

- (a) A facility that provides day care to children.
- (b) A public park.
- (c) A playground.
- (d) A public swimming pool.
- (e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
- (f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

**Sec. 6.** NRS 678B.220 is hereby amended to read as follows:

678B.220 1. Except as otherwise provided in this section and NRS 678B.230, *and section 3 of this act*, the Board shall issue medical cannabis establishment licenses for medical cannabis dispensaries in the following quantities for applicants who qualify pursuant to NRS 678B.210:

- (a) In a county whose population is 700,000 or more, 40 licenses;
- (b) In a county whose population is 100,000 or more but less than 700,000, 10 licenses;

(c) In a county whose population is 55,000 or more but less than 100,000, two licenses;

(d) In each other county, one license; and

(e) For each incorporated city in a county whose population is less than 100,000, one license.

2. The Board:

(a) Shall not issue medical cannabis establishment licenses for medical cannabis dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical cannabis dispensary for every 10 pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The Board may issue medical cannabis establishment licenses for medical cannabis dispensaries in excess of the ratio otherwise allowed pursuant to this paragraph if doing so is necessary to ensure that the Board issues at least one medical cannabis establishment license in each county of this State and, pursuant to paragraph (e) of subsection 1, each incorporated city of this State in which the Board has approved an application for such an establishment to operate.

(b) Shall, for any county for which no applicants qualify pursuant to NRS 678B.210, within 2 months after the end of the period during which the Board accepts applications pursuant to NRS 678B.300, reallocate the licenses provided for that county pursuant to subsection 1 to the other counties specified in subsection 1 in the same proportion as provided in subsection 1.

3. With respect to medical cannabis establishments that are not medical cannabis dispensaries, the Board shall:

(a) Issue a medical cannabis establishment license to at least one medical cannabis cultivation facility and at least one medical cannabis production facility in each county; and

(b) Determine the appropriate number of additional such establishments in each county as are necessary to serve and supply the medical cannabis dispensaries to which the Board has granted medical cannabis establishment licenses and issue such a number of medical cannabis establishment licenses for such establishments in each county.

**Sec. 7.** NRS 678B.250 is hereby amended to read as follows:

678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270, 678B.280, 678B.322 and 678B.324 to 678B.328, inclusive, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

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

(2) An application, which must include:

(I) The legal name of the proposed adult-use cannabis establishment;

(II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system;

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) ~~None~~ **Except as otherwise provided in section 4.5 of this act, none** of the persons who are proposed to be owners, officers or board members of the

proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license or medical cannabis establishment license revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

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

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit and scoring guidelines set forth in NRS 678B.280 or 678B.324, as applicable.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, “community facility” means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.



(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

**Sec. 8.** NRS 678B.340 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

as a cannabis establishment agent have previously had a cannabis establishment agent registration card revoked;

- (e) The application fee, as set forth in NRS 678B.390; and
- (f) Such other information as the Board may require by regulation.

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

- ~~—(a) The name, address and date of birth of the prospective cannabis establishment agent;~~
- ~~—(b) A statement signed by the prospective cannabis establishment agent pledging not to dispense or otherwise divert cannabis to any person who is not authorized to possess cannabis in accordance with the provisions of this title;~~
- ~~—(c) A statement signed by the prospective cannabis establishment agent asserting that he or she has not previously had a cannabis establishment agent registration card revoked;~~
- ~~—(d) Any information required by the Board to complete an investigation into the background of the prospective cannabis establishment agent, including, without limitation, financial records and other information relating to the business affairs of the prospective cannabis establishment agent;~~
- ~~—(e) The application fee, as set forth in NRS 678B.390; and~~
- ~~—(f) Such other information as the Board may require by regulation.~~

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

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

(b) Require a prospective cannabis establishment agent, if a natural person, and each employee of a prospective cannabis establishment agent who will provide labor as a cannabis establishment agent to submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

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

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

~~{7.—A}~~

**6. Except as otherwise provided in section 4.5 of this act, a person who:**

- (a) Has been convicted of an excluded felony offense;
- (b) Is less than 21 years of age; or
- (c) Is not qualified, in the determination of the Board pursuant to NRS

678B.200,

↪ shall not serve as a cannabis establishment agent.

~~{8.}~~ 7. The provisions of this section do not require a person who is an owner, officer or board member of a cannabis establishment to resubmit information already furnished to the Board at the time the establishment was licensed with the Board.

~~{9.}~~ 8. If an applicant for registration as a cannabis establishment agent satisfies the requirements of this section, is found to be qualified by the Board pursuant to NRS 678B.200 and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Board shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a cannabis establishment agent, a cannabis establishment agent registration card. If the Board does not act upon an application for a cannabis establishment agent registration card within 45 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Board acts upon the application. A cannabis establishment agent registration card expires 2 years after the date of issuance and may be renewed upon:

- (a) Resubmission of the information set forth in this section; and
- (b) Payment of the renewal fee set forth in NRS 678B.390.

~~{10.}~~ 9. A person to whom a cannabis establishment agent registration card is issued or for whom such a registration card is renewed shall submit to the Board on the date of the first anniversary of the issuance or renewal an affidavit attesting that in the preceding year there has been no change in the information previously provided to the Board which would subject the person to disciplinary action by the Board.

~~{11.}~~ 10. A cannabis establishment agent registration card issued pursuant to this section to an independent contractor or an employee of an independent contractor authorizes the independent contractor or employee to provide labor to any cannabis establishment in this State.

~~{12.}~~ 11. A cannabis establishment agent registration card issued pursuant to this section to a person who wishes to volunteer or work at a ~~medical~~ cannabis establishment authorizes the person to volunteer or work at any cannabis establishment in this State for which the category of the cannabis

establishment agent registration card authorizes the person to volunteer or work.

~~{13}~~ 12. Except as otherwise prescribed by regulation of the Board, an applicant for registration or renewal of registration as a cannabis establishment agent is deemed temporarily registered as a cannabis establishment agent on the date on which a complete application for registration or renewal of registration is submitted to the Board. A temporary registration as a cannabis establishment agent expires 45 days after the date upon which the application is received.

**13. A person who holds an ownership interest of less than 5 percent in a cannabis establishment is not required to obtain a cannabis establishment agent registration card pursuant to this section. The Board may, in connection with the issuance or renewal of a license pursuant to NRS 678B.210 or 678B.250, conduct such investigations of such a person as the Board determines to be necessary.**

**Sec. 9.** (Deleted by amendment.)

**Sec. 10.** NRS 678B.390 is hereby amended to read as follows:

678B.390 1. Except as otherwise provided in subsection 3, the Board shall collect not more than the following maximum fees:

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary.....	\$30,000
For the renewal of a medical cannabis establishment license for a medical cannabis dispensary.....	5,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility .....	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility .....	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility .....	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis production facility .....	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory .....	5,000
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory .....	3,000

For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store.....	<u>20,000</u> <del><u>50,000</u></del>
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store.....	<del><u>6,600</u></del> <del><u>9,215</u></del> <u>5,000</u>
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility .....	<del><u>30,000</u></del> <del><u>33,000</u></del> <u>3,000</u>
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility .....	<del><u>10,000</u></del> <del><u>11,054</u></del> <u>1,000</u>
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility .....	<del><u>10,000</u></del> <del><u>13,000</u></del> <u>3,000</u>
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility .....	<del><u>3,300</u></del> <del><u>4,414</u></del> <u>1,000</u>
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory .....	<del><u>15,000</u></del> <del><u>20,000</u></del> <u>5,000</u>
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory .....	<del><u>5,000</u></del> <del><u>8,000</u></del> <u>3,000</u>
For the initial issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge .....	10,000
For the renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge .....	10,000
For the initial issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge .....	10,000
For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge .....	10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor.....	15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor.....	5,000
For each person identified in an application for the initial issuance of a cannabis establishment agent registration card.....	150

For each person identified in an application for the renewal of a cannabis establishment agent registration card..... 150

2. The Board may by regulation establish reduced fees for:

- (a) The initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge; and
- (b) The application fee set forth in subsection 3,
  - ➔ for a social equity applicant. Such a reduction must not reduce the fee paid by a social equity applicant by more than 75 percent of the fee paid by an applicant who is not a social equity applicant.

3. Except as otherwise provided in subsection 2, in addition to the fees described in subsection 1, each applicant for a medical cannabis establishment license *pursuant to NRS 678B.210* or adult-use cannabis establishment license *pursuant to NRS 678B.250* must pay to the Board:

- (a) For an application for a license other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or independent cannabis consumption lounge, a one-time, nonrefundable application fee of \$5,000;
- (b) For an application for an adult-use cannabis establishment license for a retail cannabis consumption lounge, a one-time, nonrefundable application fee of \$100,000;
- (c) For an application for an adult-use cannabis establishment license for an independent cannabis consumption lounge, a one-time, nonrefundable application fee of \$10,000; and
- (d) The actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks.

4. Any revenue generated from the fees imposed pursuant to this section:

- (a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and
- (b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.

**Sec. 11.** NRS 678B.510 is hereby amended to read as follows:

678B.510 1. The operating documents of a cannabis establishment must include procedures:

- (a) For the oversight of the cannabis establishment; and
- (b) To ensure accurate recordkeeping.

2. Except as otherwise provided in this subsection, a cannabis establishment ~~is~~:

~~(a) That is a cannabis sales facility must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.~~

~~(b) That is not a cannabis sales facility must~~ **may** have ~~one~~ **more than one** entrance ~~so long as each entrance is secure~~ and shall

implement strict security measures to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

~~{ }~~ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. Except as otherwise provided in NRS 678D.400, all cultivation or production of cannabis that a cannabis cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Board during the licensing process for the cannabis cultivation facility. Such an enclosed, locked facility must be accessible only by cannabis establishment agents who are lawfully associated with the cannabis cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a cannabis establishment agent.

4. A cannabis establishment that is not a cannabis consumption lounge shall not allow any person to consume cannabis on the property or premises of the establishment.

5. Cannabis establishments are subject to reasonable inspection by the Board at any time, and a person who holds a license must make himself or herself, or a designee thereof, available and present for any inspection by the Board of the cannabis establishment.

6. Each cannabis establishment shall install a video monitoring system which must, at a minimum:

(a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the cannabis establishment; and

(b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request.

7. A cannabis establishment shall not dispense or otherwise sell cannabis or cannabis products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the cannabis establishment. As used in this subsection, “vending machine” has the meaning ascribed to it in NRS 209.229.

**Sec. 12.** NRS 678C.440 is hereby amended to read as follows:

678C.440 1. Each medical cannabis dispensary shall ensure all of the following:

(a) The weight, concentration and content of THC in all cannabis and cannabis products that the dispensary sells is clearly and accurately stated on the product sold.

(b) ~~{ That the dispensary does not sell to a person, in any one transaction, more than 1 ounce of cannabis.~~

~~{ }~~ That, posted clearly and conspicuously within the dispensary, are the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

~~[(d)]~~ (c) That, posted clearly and conspicuously within the dispensary, is a sign stating unambiguously the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

~~[(e)]~~ (d) That only persons who are at least 21 years of age or hold a registry identification card or letter of approval are allowed to enter the premises of the medical cannabis dispensary.

2. A medical cannabis dispensary may, but is not required to, track the purchases of cannabis for medical purposes by any person to ensure that the person does not exceed the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200. The Board shall not adopt a regulation or in any other way require a medical cannabis dispensary to track the purchases of a person or determine whether the person has exceeded the legal limits on the possession of cannabis for medical purposes, as set forth in NRS 678C.200.

3. A medical cannabis dispensary which is a dual licensee may, to the extent authorized by the regulations adopted by the Board pursuant to subsection 7 of NRS 678B.650, allow any person who is at least 21 years of age to enter the premises of the medical cannabis dispensary, regardless of whether such a person holds a valid registry identification card or letter of approval.

4. A medical cannabis dispensary shall not sell cannabis or cannabis products to a consumer through the use of, or accept a sale of cannabis or cannabis products from, a third party, intermediary business, broker or any other business that does not hold a medical cannabis establishment license for a medical cannabis dispensary.

5. A medical cannabis dispensary may contract with a third party or intermediary business to deliver cannabis or medical cannabis products to consumers only if:

(a) Every sale of cannabis or cannabis products which is delivered by the third party or intermediary business is made directly from the medical cannabis dispensary or an Internet website, digital network or software application service of the medical cannabis dispensary;

(b) The third party or intermediary business does not advertise that it sells, offers to sell or appears to sell cannabis or cannabis products or allows the submission of an order for cannabis or cannabis products; and

(c) The delivery complies with the requirements of NRS 678C.450.

**Sec. 13.** Chapter 678D of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *Each adult-use cannabis establishment shall be deemed to be a dual licensee for the purposes of this title and may engage in any activity relating to the medical use of cannabis in the same manner and to the same extent as if the adult-use cannabis establishment also held a medical cannabis establishment license of the same type for which the establishment holds an adult-use cannabis establishment license.***



*2. An adult-use cannabis establishment that engages in activities involving the medical use of cannabis pursuant to this section shall comply with all provisions of this title and the regulations adopted pursuant thereto applicable to a dual licensee, including, without limitation, any provisions governing the specific activity relating to the medical use of cannabis in which the establishment is engaged.*

*3. The Board may adopt any regulations necessary to carry out the provisions of this section.*

**Sec. 14.** NRS 678D.200 is hereby amended to read as follows:

678D.200 1. Except as otherwise provided in NRS 678D.300, a person who is 21 years of age or older is exempt from state prosecution for:

- (a) The possession, delivery or production of cannabis;
- (b) The possession or delivery of paraphernalia;
- (c) Aiding and abetting another in the possession, delivery or production of cannabis;
- (d) Aiding and abetting another in the possession or delivery of paraphernalia;
- (e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and
- (f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the adult use of cannabis in accordance with the provisions of this title.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person:

- (a) Is 21 years of age or older;
- (b) Is not employed by any agency or political subdivision of this State in a position which requires the person to be certified by the Peace Officers' Standards and Training Commission;
- (c) Engages in the adult use of cannabis in accordance with the provisions of this title;
- (d) Does not, at any one time, possess, deliver or produce more than:
  - (1) ~~One ounce~~ **Two and one-half ounces** of usable cannabis;
  - (2) ~~One eighth~~ **One-fourth** of an ounce of concentrated cannabis;
  - (3) Six cannabis plants, irrespective of whether the cannabis plants are mature or immature; and
  - (4) A maximum allowable quantity of adult-use cannabis products as established by regulation of the Board;
- (e) Cultivates, grows or produces not more than six cannabis plants:
  - (1) Within an enclosed area that is not exposed to public view that is equipped with locks or other security devices which allow access only by an authorized person; and

(2) At a residence or upon the grounds of a residence in which not more than 12 cannabis plants are cultivated, grown or produced;

(f) Delivers ~~1 ounce~~ **2.5 ounces** or less of usable cannabis or ~~one-eighth~~ **one-fourth** of an ounce or less of concentrated cannabis without remuneration to a person who is 21 years of age or older so long as such delivery is not advertised or promoted to the public; and

(g) Assists another person who is 21 years of age or older in carrying out any of the acts described in paragraphs (a) to (f), inclusive.

4. If a person possesses, uses or produces cannabis in an amount which exceeds the amount set forth in paragraph (d) of subsection 3 or in any manner other than that set forth in subsection 3, the person is not exempt from state prosecution for the possession, delivery or production of cannabis.

5. A person who holds an adult-use cannabis establishment license issued to the person pursuant to NRS 678B.250, a cannabis establishment agent registration card issued to the person pursuant to NRS 678B.340, a cannabis establishment agent registration card for a cannabis executive issued to the person pursuant to NRS 678B.350 or a cannabis establishment agent registration card for a cannabis receiver issued to the person pursuant to NRS 678B.355, and confines his or her activities to those authorized by this title, and the regulations adopted by the Board pursuant thereto, is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

6. The commission of any act by a person for which the person is exempt from state prosecution pursuant to this section must not be used as the basis for the seizure or forfeiture of any property of the person or for the imposition of a civil penalty.

**Sec. 14.3.** NRS 244.35253 is hereby amended to read as follows:

244.35253 1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a cannabis establishment located in the county.

2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a cannabis establishment located in the county outside of the limits of incorporated cities as a:

- (a) Flat fee;
- (b) Percentage of the gross revenue of the cannabis establishment; or
- (c) Combination of a flat fee and a percentage of gross revenue of the cannabis establishment.

3. The total amount of a license tax imposed on a cannabis establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the cannabis establishment, as applicable.

4. *A board of county commissioners may use any portion of any money collected as a license tax pursuant to subsection 2 to educate the public, using any method of public outreach or medium of communication, on safely purchasing cannabis and cannabis products from licensed cannabis establishments and the safe consumption of cannabis and cannabis products.*

5. In addition to any amount of money collected as a license tax pursuant to subsection 2, a board of county commissioners may fix, impose and collect:

- (a) Any fees required pursuant to chapter 278 of NRS;
- (b) A one-time flat fee for an application for the issuance of a business license for a cannabis establishment located in the county outside of the limits of incorporated cities in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and
- (c) A licensing tax for a business activity engaged in by a cannabis establishment located in the county outside of the limits of incorporated cities for which licensing pursuant to chapter 678B of NRS is not required only if:

(1) The board of county commissioners is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the board of county commissioners on other similar businesses.

~~5.1~~ 6. A board of county commissioners shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

- (a) The packaging, labeling, testing, dosage or potency of cannabis or cannabis products;
- (b) The kinds of cannabis or cannabis products authorized to be sold pursuant to title 56 of NRS;
- (c) The use of pesticides in the cultivation of cannabis;
- (d) The tracking of cannabis from seed to sale;
- (e) The transportation of cannabis or cannabis products other than the direct transportation of cannabis or cannabis products to a consumer and a requirement to notify the county of any transportation of cannabis or cannabis products;
- (f) The issuance or verification of a registry identification card, letter of approval or written documentation;
- (g) The training or certification of cannabis establishment agents or employees of a cannabis establishment;

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of cannabis establishments or holders of a registry identification card or letter of approval; or

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

~~6.1~~ 7. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

~~7.1~~ 8. As used in this section:

(a) ***“Cannabis” has the meaning ascribed to it in NRS 678A.085.***

(b) “Cannabis establishment” has the meaning ascribed to it in NRS 678A.095.

~~(b)~~ (c) “Cannabis establishment agent” has the meaning ascribed to it in NRS 678A.100.

~~(c)~~ (d) “Cannabis products” has the meaning ascribed to it in NRS 678A.120.

~~(d)~~ (e) “Letter of approval” has the meaning ascribed to it in NRS 678C.070.

~~(e)~~ (f) “Registry identification card” has the meaning ascribed to it in NRS 678C.080.

~~(f)~~ (g) “Written documentation” has the meaning ascribed to it in NRS 678C.110.

**Sec. 14.6.** NRS 268.0977 is hereby amended to read as follows:

268.0977 1. Except as otherwise provided in this section, the governing body of an incorporated city, whether organized under general law or special charter, shall not fix, impose or collect for revenues or for regulation, or both, a license tax on a cannabis establishment located within its corporate limits.

2. Except as otherwise provided in subsection 3, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect for revenues or for regulation, or both, a license tax on a cannabis establishment located within its corporate limits as a:

(a) Flat fee;

(b) Percentage of the gross revenue of the cannabis establishment; or

(c) Combination of a flat fee and a percentage of gross revenue of the cannabis establishment.

3. The total amount of a license tax imposed on a cannabis establishment pursuant to subsection 2, regardless of whether the license tax is imposed in the form described in paragraph (a), (b) or (c) of subsection 2, must not exceed 3 percent of the gross revenue of the cannabis establishment, as applicable.

4. ***The governing body of an incorporated city, whether organized under general law or special charter, may use any portion of any money collected as a license tax pursuant to subsection 2 to educate the public, using any method of public outreach or medium of communication, on safely purchasing cannabis and cannabis products from licensed cannabis***

*establishments and the safe consumption of cannabis and cannabis products.*

5. In addition to any amount of money collected as a license tax pursuant to subsection 2, the governing body of an incorporated city, whether organized under general law or special charter, may fix, impose and collect:

(a) Any fees required pursuant to chapter 278 of NRS;

(b) A one-time flat fee for an application for the issuance of a business license for a cannabis establishment located within its corporate limits in an amount that does not exceed any similar fee imposed on a business pursuant to this chapter and chapter 369 of NRS; and

(c) A licensing tax for a business activity engaged in by a cannabis establishment located within its corporate limits for which licensing pursuant to chapter 678B of NRS is not required only if:

(1) The governing body is granted the authority to require such a license by some other provision of law; and

(2) The amount of the licensing tax does not exceed the amount imposed by the governing body on other similar businesses.

~~5.1~~ 6. The governing body of an incorporated city, whether organized under general law or special charter, shall not enact or enforce any ordinance which is more restrictive than or conflicts with a law or regulation of this State relating to:

(a) The packaging, labeling, testing, dosage or potency of cannabis or cannabis products;

(b) The kinds of cannabis products authorized to be sold pursuant to title 56 of NRS;

(c) The use of pesticides in the cultivation of cannabis;

(d) The tracking of cannabis from seed to sale;

(e) The transportation of cannabis or cannabis products other than the direct transportation of cannabis or cannabis products to a consumer and a requirement to notify the city of any transportation of cannabis or cannabis products;

(f) The issuance or verification of a registry identification card, letter of approval or written documentation;

(g) The training or certification of cannabis establishment agents; or

(h) The creation or maintenance of a registry or other system to obtain and track information relating to customers of cannabis establishments or holders of a registry identification card or letter of approval; or

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

~~6.1~~ 7. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

~~7.1~~ 8. As used in this section:

(a) *“Cannabis” has the meaning ascribed to it in NRS 678A.085.*

(b) “Cannabis establishment” has the meaning ascribed to it in NRS 678A.095.

~~{(b)}~~ (c) “Cannabis establishment agent” has the meaning ascribed to it in NRS 678A.100.

~~{(c)}~~ (d) “Cannabis products” has the meaning ascribed to it in NRS 678A.120.

~~{(d)}~~ (e) “Letter of approval” has the meaning ascribed to it in NRS 678C.070.

~~{(e)}~~ (f) “Registry identification card” has the meaning ascribed to it in NRS 678C.080.

~~{(f)}~~ (g) “Written documentation” has the meaning ascribed to it in NRS 678C.110.

**Sec. 15.** NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. ~~{An}~~ ***Except as otherwise provided in subsection 8, an*** excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the seller of the cannabis or cannabis product;

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board

and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of \$5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. ***The excise tax imposed pursuant to subsection 3 does not apply to a sale of cannabis for the medical use of cannabis or a medical cannabis product to the holder of a registry identification card or letter of approval by an adult-use cannabis retail store that has been deemed to be a dual licensee pursuant to section 13 of this act.***

9. As used in this section:

(a) “Adult-use cannabis cultivation facility” has the meaning ascribed to it in NRS 678A.025.

(b) “Cannabis product” has the meaning ascribed to it in NRS 678A.120.

(c) ***“Letter of approval” has the meaning ascribed to it in NRS 678C.070.***

(d) “Local government” has the meaning ascribed to it in NRS 360.640.

~~(d)~~ (e) “Medical cannabis cultivation facility” has the meaning ascribed to it in NRS 678A.170.

~~(e)~~ (f) “Medical cannabis establishment” has the meaning ascribed to it in NRS 678A.180.

~~(f)~~ (g) ***Medical cannabis product” has the meaning ascribed to it in NRS 678A.200.***

(h) ***“Medical use of cannabis” has the meaning ascribed to it in NRS 678A.215.***

(i) ***“Registry identification card” has the meaning ascribed to it in NRS 678C.080.***

(j) “Wholesale sale” means a sale or transfer of cannabis by a cannabis cultivation facility to another cannabis establishment. The term does not include a transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility when both cannabis cultivation facilities share identical ownership.

**Sec. 15.5.** NRS 453.096 is hereby amended to read as follows:

453.096 1. “Marijuana” means:

(a) All parts of any plant of the genus Cannabis, whether growing or not;

(b) ~~The seeds thereof;~~

~~(e)~~ The resin extracted from any part of the plant, including concentrated cannabis;

~~(d)~~ (c) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, *or* its ~~seeds or~~ resin;

~~(e)~~ (d) Any commodity or product made using hemp which exceeds the maximum THC concentration established by the State Department of Agriculture for hemp; and

~~(f)~~ (e) Any product or commodity made from hemp which is manufactured or sold by a cannabis establishment which violates any regulation adopted by the Cannabis Compliance Board pursuant to paragraph ~~(e)~~ (f) of subsection 1 of NRS 678A.450 relating to THC concentration.

2. “Marijuana” does not include:

(a) Hemp, as defined in NRS 557.160, which is grown or cultivated pursuant to the provisions of chapter 557 of NRS;

(b) The mature stalks of the plant ~~;~~ ***and root balls which have been fully separated from the stalks of the plant after harvest***, fiber produced from the stalks, ***seeds of the plant***, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake ; ~~;~~ ~~or the sterilized seed of the plant which is incapable of germination;~~ or

(c) Any commodity or product made using hemp, as defined in NRS 557.160, which does not exceed the maximum THC concentration established by the State Department of Agriculture for hemp.

**Sec. 16.** 1. The Cannabis Advisory Commission created by NRS 678A.300 shall conduct a study concerning the potential effects on the cannabis industry in this State if cannabis were to be removed from the list of controlled substances included in schedule I pursuant to the Uniform Controlled Substances Act or the federal Controlled Substances Act. The study must include, without limitation:

(a) An examination of federal and state laws and regulations concerning cannabis and what effect the removal of cannabis from the list of controlled substances included in schedule I pursuant to the Uniform Controlled Substances Act or the federal Controlled Substances Act would have on such laws and regulations; and

(b) Recommendations for changes to the manner in which cannabis is regulated and taxed in this State that may be necessary to ensure the continued growth and success of the cannabis industry in this State if cannabis were to be removed from the list of controlled substances included in schedule I pursuant to the Uniform Controlled Substances Act or the federal Controlled Substances Act.

2. On or before March 1, 2024, the Cannabis Advisory Commission shall submit a report of its findings, including, without limitation, any recommendations for legislation, to:

(a) The Joint Interim Standing Committee on the Judiciary; and



(b) The Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

3. As used in this section:

(a) “Cannabis” has the meaning ascribed to it in NRS 678A.085.

(b) “Federal Controlled Substances Act” means the federal Controlled Substances Act, as amended, 21 U.S.C. §§ 801 et seq.

**Sec. 17.** 1. Except as otherwise provided in this section, a person who, on January 1, 2024, holds a medical cannabis establishment license for a medical cannabis establishment which is not located in a covered jurisdiction and which has been renewed by the person at least one time may, upon expiration of the license, submit an application to the Board for the issuance of an adult-use cannabis establishment license of the same type.

2. An application submitted pursuant to subsection 1 must:

(a) Contain the same information as required for the renewal of a medical cannabis establishment license pursuant to NRS 678B.210; and

(b) Be accompanied by a fee in an amount that is equal to the fee for the renewal of an adult-use cannabis establishment license of the same type as that of the medical cannabis establishment license which has expired, as set forth in NRS 678B.390, as amended by section 10 of this act.

3. If the Board determines that the applicant would have been eligible to renew the medical cannabis establishment license which has expired, the Board shall issue to the applicant an adult-use cannabis establishment license of the same type.

4. Notwithstanding the provisions of section 4 of this act, a person who, on January 1, 2024, holds a medical cannabis establishment license for a medical cannabis establishment which is not located in a covered jurisdiction and which has never been renewed by the person may renew the license pursuant to NRS 678B.210 one time. Upon expiration of the license after the first renewal of the license, the person may apply for and be issued an adult-use cannabis establishment license of the same type in the manner provided in subsections 1, 2 and 3.

5. Except as otherwise provided in subsection 6, an adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be an adult-use cannabis establishment license issued by the Board pursuant to NRS 678B.250.

6. An adult-use cannabis establishment license issued by the Board pursuant to this section shall be deemed to be a medical cannabis establishment license of the same type for the purposes of NRS 678B.220, 678B.230, 678B.260 and 678B.270.

7. A person who, on January 1, 2024, holds both an adult-use cannabis establishment license and a medical cannabis establishment license of the same type may not, pursuant to this section, apply for and be issued an additional adult-use cannabis establishment license upon the expiration of the medical cannabis establishment license of the person.

8. The Board may refuse to issue an adult-use cannabis establishment license pursuant to this section to a person who holds a medical cannabis establishment license on January 1, 2024, if:

(a) The person obtained the medical cannabis establishment license through a transfer in accordance with the regulations adopted by the Board pursuant to NRS 678B.380 which occurred on or after July 1, 2023, and on or before December 31, 2023; and

(b) The Board determines that:

(1) The transfer by which the person obtained the license was not made in good faith; and

(2) Issuing the person an adult-use cannabis establishment license would be against the public interest.

9. As used in this section:

(a) “Adult-use cannabis establishment license” has the meaning ascribed to it in NRS 678A.040.

(b) “Board” means the Cannabis Compliance Board.

(c) “Covered jurisdiction” has the meaning ascribed to it in section 3 of this act.

(d) “Medical cannabis establishment license” has the meaning ascribed to it in NRS 678A.185.

**Sec. 18.** (Deleted by amendment.)

**Sec. 19.** 1. This section becomes effective upon passage and approval.

2. Section 16 of this act becomes effective on July 1, 2023.

3. Sections 1 to 15.5, inclusive, 17 and 18 of this act become effective:

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

(b) On January 1, 2024, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

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

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 400 and 528 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 400.

Bill read third time.

Roll call on Assembly Bill No. 400:

YEAS—41.

NAYS—None.

EXCUSED—Monroe-Moreno.

Assembly Bill No. 400 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 528.

Bill read third time.

Roll call on Assembly Bill No. 528:

YEAS—40.

NAYS—DeLong.

EXCUSED—Monroe-Moreno.

Assembly Bill No. 528 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Revenue, to which was referred Senate Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

SHEA BACKUS, *Chair*

#### GENERAL FILE AND THIRD READING

Senate Bill No. 72.

Bill read third time.

Roll call on Senate Bill No. 72:

YEAS—37.

NAYS—La Rue Hatch, Brittney Miller, Summers-Armstrong—3.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 72 having received a constitutional majority, Mr. Speaker  
declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 126.

Bill read third time.

Roll call on Senate Bill No. 126:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 126 having received a constitutional majority, Mr. Speaker  
declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

Roll call on Senate Bill No. 163:

YEAS—26.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama,  
Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 274 be taken from the General File and placed on the Chief Clerk's Desk

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 277 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Jauregui moved that Senate Bills Nos. 205 and 276 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 195.

Bill read third time.

Roll call on Senate Bill No. 195:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 234.

Bill read third time.

Roll call on Senate Bill No. 234:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 242.

Bill read third time.

Roll call on Senate Bill No. 242:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 294.

Bill read third time.

Roll call on Senate Bill No. 294:

YEAS—31.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, McArthur, O'Neill—9.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 301.

Bill read third time.

Roll call on Senate Bill No. 301:

YEAS—24.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, Newby, O'Neill, Summers-Armstrong, Yurek—16.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 311.

Bill read third time.

Roll call on Senate Bill No. 311:

YEAS—38.

NAYS—Considine, Thomas—2.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 311 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 327.

Bill read third time.

Roll call on Senate Bill No. 327:

YEAS—38.

NAYS—Gray, Gurr—2.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 342.

Bill read third time.

Roll call on Senate Bill No. 342:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 342 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 350.

Bill read third time.

Roll call on Senate Bill No. 350:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 364.

Bill read third time.

Roll call on Senate Bill No. 364:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 371.

Bill read third time.

Roll call on Senate Bill No. 371:

YEAS—26.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 380.

Bill read third time.

Roll call on Senate Bill No. 380:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 390.

Bill read third time.

Roll call on Senate Bill No. 390:

YEAS—40.

NAYS—None.

EXCUSED—Monroe-Moreno, Torres—2.

Senate Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 428.

Bill read third time.

Roll call on Senate Bill No. 428:

YEAS—41.

NAYS—None.

EXCUSED—Monroe-Moreno.

Senate Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 435.

Bill read third time.

Roll call on Senate Bill No. 435:

YEAS—41.

NAYS—None.

EXCUSED—Monroe-Moreno.

Senate Bill No. 435 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 439.

Bill read third time.

Roll call on Senate Bill No. 439:

YEAS—41.

NAYS—None.

EXCUSED—Monroe-Moreno.

Senate Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 460.

Bill read third time.

Roll call on Senate Bill No. 460:

YEAS—41.

NAYS—None.

EXCUSED—Monroe-Moreno.

Senate Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 461.

Bill read third time.

Roll call on Senate Bill No. 461:

YEAS—41.

NAYS—None.

EXCUSED—Monroe-Moreno.

Senate Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 462.

Bill read third time.

Roll call on Senate Bill No. 462:

YEAS—42.

NAYS—None.

Senate Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 463.

Bill read third time.

Roll call on Senate Bill No. 463:

YEAS—42.

NAYS—None.

Senate Bill No. 463 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 464.

Bill read third time.

Roll call on Senate Bill No. 464:

YEAS—42.

NAYS—None.

Senate Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 466.

Bill read third time.

Roll call on Senate Bill No. 466:

YEAS—42.

NAYS—None.

Senate Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 468.

Bill read third time.

Roll call on Senate Bill No. 468:

YEAS—42.

NAYS—None.

Senate Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 470.

Bill read third time.

Roll call on Senate Bill No. 470:



YEAS—42.

NAYS—None.

Senate Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 471.

Bill read third time.

Roll call on Senate Bill No. 471:

YEAS—42.

NAYS—None.

Senate Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 231.

Bill read third time.

The following amendment was proposed by Assemblyman Yeager:

Amendment No. 970.

AN ACT making an appropriation to the Interim Finance Committee for allocation to school districts that budget salary increases for certain employees; making an appropriation to the Department of Education for certain personnel 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 General Fund to the Interim Finance Committee the sum of \$250,000,000 for allocation to school districts for the support of public schools.

2. Money appropriated by subsection 1 may only be allocated to a school district upon the determination of the Interim Finance Committee that:

(a) Sufficient documentation has been submitted to demonstrate that:

(1) The school district has budgeted for Fiscal Years 2023-2024 and 2024-2025 an increase to the salary of teachers and education support professionals employed by the school district from sources other than the appropriation made by subsection 1, which is in addition to any increase in salary for teachers or education support professionals which was planned or bargained for before the effective date of this act; and

(2) The increase in salary budgeted pursuant to subparagraph (1) does not replace or supplant any other form of compensation which was provided to teachers or education support professionals of the school district before Fiscal Year 2023-2024 or which was bargained for or planned for Fiscal Year 2023-2024 or any succeeding fiscal year before the effective date of this act.

(b) The school district has submitted to the Committee a statement of the amount and percentage of the budgeted increase in salary for teachers and education support professionals described in subparagraph (1) of paragraph (a)

and the total cost to the school district to provide the budgeted increase in salary.

(c) The superintendent of the school district has submitted to the Committee a signed statement certifying that, to the best of his or her knowledge or belief, the information submitted pursuant to paragraph (b) is accurate and that the school district will provide the budgeted salary increases set forth therein.

3. The money allocated to a school district pursuant to subsection 2 must not exceed the lesser of:

(a) The total amount of the budgeted increase to salaries for teachers and education support professionals of the school district for Fiscal Years 2023-2024 and 2024-2025 from sources other than the appropriation made by subsection 1, not including any increase in salary which was planned or bargained for before the effective date of this act; or

(b) An amount which is equal to \$250,000,000 multiplied by a percentage which is the number of teachers and education support professionals employed by the school district on July 1, 2023, expressed as a percentage of the total number of teachers and education support professionals employed in all of the school districts in this State on July 1, 2023.

4. On or before August 1, 2023, each school district in this State shall report to the Department of Education the number of teachers and education support professionals employed by the school district on July 1, 2023. The Department of Education shall compile this information and submit it to the Interim Finance Committee not later than August 15, 2023.

5. The money appropriated by subsection 1 must be used to supplement and not supplant or cause to be reduced any other source of funding for the support of public schools or for the salary and compensation of teachers or education support professionals employed by any public school.

**6. On or before August 1, 2024, and August 1, 2025, each school district in this State that is allocated money pursuant to subsection 2 during Fiscal Year 2023-2024 and Fiscal Year 2024-2025, respectively, shall submit a report to the Interim Finance Committee which includes, without limitation:**

**(a) Detailed information on how all money allocated pursuant to subsection 2 was spent by the school district;**

**(b) The actual increase to the salary of teachers and education support professionals employed by the school district during the immediately preceding fiscal year and the amount of such an increase for which money allocated pursuant to subsection 2 was spent; and**

**(c) Any other information relating to the use by the school district of the money allocated pursuant to subsection 2, or the operations of the school district to provide appropriate context for such use, which is requested by the Interim Finance Committee.**

**7.** Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, 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 19, 2025, 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 19, 2025.

~~7.7~~ **8.** As used in this section:

(a) “Administrator” has the meaning ascribed to it in NRS 385A.430.

(b) “Education support professional” means a person, other than a teacher or administrator, who is employed to work at a public school, including, without limitation:

- (1) Paraprofessionals;
  - (2) School police officers, school resource officers and other providers of security services at a school;
  - (3) School nurses;
  - (4) School counselors;
  - (5) School psychologists;
  - (6) School social workers;
  - (7) Drivers of school buses;
  - (8) Secretaries;
  - (9) Members of the custodial or maintenance staff; and
  - (10) Workers in food services.
- (c) “Teacher” has the meaning ascribed to it in NRS 385A.430.

**Sec. 1.5.** 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$41,694 for personnel costs to carry out the provisions of section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2024, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024.

**Sec. 2.** 1. This section and section 1 of this act become effective upon passage and approval.

2. Section 1.5 of this act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

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

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 231 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 231.

Bill read third time.

Remarks by Assemblywoman Hansen.

ASSEMBLYWOMAN HANSEN:

I rise with support and hesitation. I want to get on the record that I was really hoping we could find a way to fund all teachers and not make that distinction. I am disappointed we do not cover our charter school teachers with this. I appreciate other parts of the bill. While I am glad we are getting here, I wish it could have been a little bit more.

Roll call on Senate Bill No. 231:

YEAS—41.

NAYS—McArthur.

Senate Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 472.

Bill read third time.

Roll call on Senate Bill No. 472:

YEAS—42.

NAYS—None.

Senate Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 473.

Bill read third time.

Roll call on Senate Bill No. 473:

YEAS—42.

NAYS—None.

Senate Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 476.

Bill read third time.

Roll call on Senate Bill No. 476:

YEAS—42.

NAYS—None.

Senate Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 477.

Bill read third time.

Roll call on Senate Bill No. 477:

YEAS—42.

NAYS—None.

Senate Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 205 and 276 be taken from their positions on the General File and placed at the top of General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 205.

Bill read third time.

Roll call on Senate Bill No. 205:

YEAS—42.

NAYS—None.

Senate Bill No. 205 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 276.

Bill read third time.

Roll call on Senate Bill No. 276:

YEAS—42.

NAYS—None.

Senate Bill No. 276 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 478.

Bill read third time.

Roll call on Senate Bill No. 478:

YEAS—42.

NAYS—None.

Senate Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 479.

Bill read third time.

Roll call on Senate Bill No. 479:

YEAS—42.

NAYS—None.

Senate Bill No. 479 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 482.

Bill read third time.

Roll call on Senate Bill No. 482:

YEAS—42.

NAYS—None.

Senate Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 483.

Bill read third time.

Roll call on Senate Bill No. 483:

YEAS—42.

NAYS—None.

Senate Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 484.

Bill read third time.

Roll call on Senate Bill No. 484:

YEAS—42.

NAYS—None.

Senate Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 485.

Bill read third time.

Roll call on Senate Bill No. 485:

YEAS—42.

NAYS—None.

Senate Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 486.

Bill read third time.

Roll call on Senate Bill No. 486:

YEAS—42.

NAYS—None.

Senate Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 487.

Bill read third time.

Roll call on Senate Bill No. 487:

YEAS—42.

NAYS—None.

Senate Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 488.

Bill read third time.

Roll call on Senate Bill No. 488:

YEAS—42.

NAYS—None.

Senate Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 489.

Bill read third time.

Roll call on Senate Bill No. 489:

YEAS—42.

NAYS—None.

Senate Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 491.

Bill read third time.

Roll call on Senate Bill No. 491:

YEAS—42.

NAYS—None.

Senate Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 493.

Bill read third time.

Roll call on Senate Bill No. 493:

YEAS—42.

NAYS—None.

Senate Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 494.

Bill read third time.

Roll call on Senate Bill No. 494:

YEAS—42.

NAYS—None.

Senate Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 497.

Bill read third time.

Roll call on Senate Bill No. 497:

YEAS—42.

NAYS—None.

Senate Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 499.

Bill read third time.

Roll call on Senate Bill No. 499:

YEAS—42.

NAYS—None.

Senate Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 500.

Bill read third time.

Roll call on Senate Bill No. 500:

YEAS—42.

NAYS—None.

Senate Bill No. 500 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Jauregui moved that the Assembly recess until 10 p.m.

Motion carried.

Assembly in recess at 9:31 p.m.

#### ASSEMBLY IN SESSION

At 10:57 p.m.

Mr. Speaker presiding.

Quorum present.

#### MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 58, 82, 99, 118, 189, 191, 221, 225, 233, 241, 266, 368, 385, 395, 450, 451, 467, 469, 475, 480, 492, 495, and 498 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.



UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 32.

The following Senate amendment was read:

Amendment No. 765

**Section 2.7 of Assembly Bill No. 32 First Reprint is hereby amended as follows:**

**Sec. 2.7.** NRS 176.014 is hereby amended to read as follows:

176.014 1. The Nevada Local Justice Reinvestment Coordinating Council is hereby created. The Council consists of:

(a) One member from each county in this State whose population is less than 100,000; and

(b) Two members from each county in this State whose population is 100,000 or more.

2. Each member of the Council must be appointed by the governing body of the applicable county and must meet any qualifications adopted by the Sentencing Commission pursuant to subsection ~~¶7-~~ 8. The Chair of the Sentencing Commission shall appoint the Chair of the Council from among the members of the Council.

3. The Council shall:

(a) Advise the Sentencing Commission on matters related to any legislation, regulations, rules, budgetary changes and all other actions needed to implement the provisions of chapter 633, Statutes of Nevada 2019, as they relate to local governments;

(b) Identify county-level programming and treatment needs for persons involved in the criminal justice system for the purpose of reducing recidivism;

(c) Make recommendations to the Sentencing Commission regarding grants to local governments, courts and nonprofit organizations from the State General Fund;

(d) Oversee the implementation of local grants;

(e) Create performance measures to assess the effectiveness of the grants; and

(f) Identify opportunities for collaboration with the Department of Health and Human Services at the state and county level for treatment services and funding.

4. Each member of the Council serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. While engaged in the business of the Council, to the extent of legislative appropriation, each member of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. *The Council may accept any gift, donation, bequest, grant or other source of money for the purpose of carrying out its duties pursuant to this section.*

7. To the extent of legislative appropriation, the Sentencing Commission shall provide the Council with such staff as is necessary to carry out the duties of the Council pursuant to this section.

~~{7.}~~ 8. The Sentencing Commission may adopt any qualifications that a person must meet before being appointed as a member of the Council.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 765 to Assembly Bill No. 32.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 51.

The following Senate amendment was read:

Amendment No. 713.

AN ACT relating to public safety; revising the period for the mandatory arrest of a person suspected of committing certain crimes against certain persons; **revising provisions relating to the privilege for communication between a victim of certain crimes and a victim's advocate**; revising the penalties for the commission of certain crimes in violation of certain orders for protection; prohibiting a court from granting probation to or suspending the sentence of a person ~~{charged with committing}~~ **convicted of** a battery which constitutes domestic violence under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

With certain exceptions, existing law requires a peace officer to arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery which constitutes domestic violence. (NRS 171.137) Existing law also requires a peace officer investigating an act of domestic violence to provide a person suspected of being the victim of an act of domestic violence with a written statement setting forth the circumstances under which the peace officer is required to arrest the person suspected of committing the act of domestic violence. (NRS 171.1225) **Section 2** of this bill requires a peace officer to arrest a person suspected of committing a battery which constitutes domestic violence: (1) if the peace officer ~~{encountered}~~ **had a face-to-face encounter with** the person **that was of sufficient duration to determine whether probable cause existed** while responding to the initial ~~{request}~~ **incident or call** for ~~{assistance relating to the battery,}~~ **service**, within 24 hours after the alleged battery; or (2) if the peace officer did not ~~{not}~~ **have a face-to-face encounter with** the person **that was of sufficient duration to determine whether probable cause existed** while responding to the initial ~~{request}~~ **incident or call** for ~~{assistance relating to the battery,}~~ **service**, within 7 days after the alleged battery. **Section 1** of this bill makes a conforming change to

the written statement a peace officer must provide to a suspected victim of domestic violence.

Existing law authorizes a peace officer, whether or not a warrant has been issued, to arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon a person with whom he or she is actually residing or upon a sibling or cousin, if the person is not the custodian or guardian of the sibling or cousin. (NRS 171.1375) **Section 3** of this bill revises the period for such a discretionary arrest to be: (1) if the peace officer ~~encountered~~ **had a face-to-face encounter with** the person **that was of sufficient duration to determine whether probable cause existed** while responding to the initial ~~request~~ **incident or call** for ~~assistance relating to the battery,~~ **service**, within 24 hours after the alleged battery; or (2) if the peace officer did not **have a face-to-face encounter with** the person to be arrested **that was of sufficient duration to determine whether probable cause existed** while responding to the initial ~~request~~ **incident or call** for ~~assistance relating to the battery,~~ **service**, within 7 days after the alleged battery.

**Existing law establishes a privilege for confidential communication between a victim of certain crimes and a victim's advocate. (NRS 49.2541-49.2549) To be a "victim's advocate," as defined in existing law, a person must have certain work experience and have received at least 20 hours of relevant training. (NRS 49.2545) Section 13.3 of this bill requires that such training must include instruction in certain topics. Section 13.7 of this bill also provides that a person who works for a domestic violence, sexual assault or human trafficking services organization or a nonprofit organization which provides assistance to victims may be a victim's advocate for purposes of the privilege. Section 13.9 of this bill makes a conforming change that is necessary as a result of the change relating to the changes made in section 13.7. Section 13.5 of this bill makes a conforming change to indicate the proper placement of section 13.3 in the Nevada Revised Statutes.**

**Section 21 of this bill provides that, notwithstanding the amendatory provisions of sections 13.3-13.9 until January 1, 2024, the privilege established for confidential communication between a victim and a victim's advocate shall be deemed to apply to a communication between a victim and a victim's advocate, regardless of whether the victim's advocate has completed the required relevant training, as defined in section 13.3, before October 1, 2023, if the victim's advocate was serving as a victim's advocate before October 1, 2023.**

Existing law provides that a person who commits a crime that is punishable as a felony in violation of certain orders for protection must, in addition to the term of imprisonment for the underlying crime, be punished by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 20 years. However, if the underlying crime is punishable as a category A or B felony, the person must be additionally punished by imprisonment for a

minimum term of not less than 1 year and a maximum term of not more than 5 years. (NRS 193.166) **Section 14** of this bill provides instead that if the underlying crime is punishable as a category A or B felony, the additional period of imprisonment must be for a maximum term of not more than 20 years, but if the underlying crime is not punishable as a category A or B felony, the additional period of imprisonment must be for a maximum term of not more than 5 years.

Existing law provides that a court may not grant probation to or suspend the sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a misdemeanor, except that: (1) a justice court or municipal court may suspend the sentence of such a person under certain circumstances; and (2) a court may suspend the sentence of such a person to assign the person to a program for the treatment of veterans and members of the military. Existing law does not expressly prohibit a court from granting probation to or suspending the sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a gross misdemeanor or felony. (NRS 200.485) **Section 16** of this bill prohibits a court from granting probation to or suspending the sentence of a person ~~who is charged with committing~~ **convicted of** a battery which constitutes domestic violence that is punishable as a felony.

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

**Section 1.** NRS 171.1225 is hereby amended to read as follows:

171.1225 1. When investigating an act of domestic violence, a peace officer shall:

(a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.

(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:

(1) My name is Officer ..... (naming the investigating officer). Nevada law requires me to inform you of the following information.

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, **and if I ~~encountered~~ had a face-to-face encounter with the person suspected of committing the battery that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~request~~ incident or call for ~~assistance relating to the battery,~~ service.** I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.

(3) *If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 7 days by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, and if I did not have a face-to-face encounter with the person suspected of committing the battery that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~request~~ incident or call for ~~assistance relating to the battery,~~ service, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.*

(4) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.

~~[(4)]~~ (5) The law provides that you may seek a court order for the protection of you, your minor children or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.

~~[(5)]~~ (6) An order for protection may require the person who committed or threatened the act of domestic violence against you to:

- (I) Stop threatening, harassing or injuring you or your children;
- (II) Move out of your residence;
- (III) Stay away from your place of employment;
- (IV) Stay away from the school attended by your children;
- (V) Stay away from any place you or your children regularly go;
- (VI) Avoid or limit all communication with you or your children;
- (VII) Stop physically injuring, threatening to injure or taking possession of any animal that is owned or kept by you or your children, either directly or through an agent; and
- (VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.

~~[(6)]~~ (7) A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to:

- (I) Pay the rent or mortgage due on the place in which you live;
- (II) Pay the amount of money necessary for the support of your children;
- (III) Pay part or all of the costs incurred by you in obtaining the order for protection; and

(IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.

~~[(7)]~~ (8) To get an order for protection, go to room number ..... (state the room number of the office at the court) at the court, which is located at ..... (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.

~~[(8)]~~ (9) If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, the person may be arrested and, if:

(I) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(II) The person has previously violated a temporary or extended order for protection; or

(III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110,

↪ the person will not be admitted to bail sooner than 12 hours after arrest.

~~[(9)]~~ (10) You may obtain emergency assistance or shelter by contacting your local program against domestic violence at ..... (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at ..... (state toll-free telephone number of Statewide Program).

2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.

3. As used in this section:

(a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(I) Stalking.

- (II) Arson.
- (III) Trespassing.
- (IV) Larceny.
- (V) Destruction of private property.
- (VI) Carrying a concealed weapon without a permit.
- (VII) Injuring or killing an animal.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

**Sec. 2.** NRS 171.137 is hereby amended to read as follows:

171.137 1. Except as otherwise provided in subsection 2, whether or not a warrant has been issued, a peace officer shall, unless mitigating circumstances exist, arrest a person when the peace officer has probable cause to believe that the person to be arrested has ~~[, within the preceding 24 hours,]~~ committed a battery upon his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons, his or her minor child or a person who is the custodian or guardian of his or her minor child ~~[,]~~:

*(a) If the peace officer ~~[encountered]~~ had a face-to-face encounter with the person to be arrested that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to the battery,]~~ service, within the preceding 24 hours.*

*(b) If the peace officer did not have a face-to-face encounter with the person to be arrested that was of sufficient duration to determine whether probable cause existed while responding to the initial ~~[request]~~ incident or call for ~~[assistance relating to the battery,]~~ service, within the preceding 7 days.*

2. If the peace officer has probable cause to believe that a battery described in subsection 1 was a mutual battery, the peace officer shall attempt to determine which person was the primary physical aggressor. If the peace officer determines that one of the persons who allegedly committed a battery was the primary physical aggressor involved in the incident, the peace officer is not required to arrest any other person believed to have committed a battery during the incident. In determining whether a person is a primary physical aggressor for the purposes of this subsection, the peace officer shall consider:

- (a) Prior domestic violence involving either person;
- (b) The relative severity of the injuries inflicted upon the persons involved;

- (c) The potential for future injury;
- (d) Whether one of the alleged batteries was committed in self-defense; and
- (e) Any other factor that may help the peace officer decide which person was the primary physical aggressor.

3. A peace officer shall not base a decision regarding whether to arrest a person pursuant to this section on the peace officer's perception of the willingness of a victim or a witness to the incident to testify or otherwise participate in related judicial proceedings.

4. Nothing in this section shall be construed to impose liability upon a peace officer or his or her employer for a determination made in good faith by the peace officer not to arrest a person pursuant to this section.

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

- (a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or
- (b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.

6. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

**Sec. 3.** NRS 171.1375 is hereby amended to read as follows:

171.1375 1. Whether or not a warrant has been issued, a peace officer may arrest a person ~~when the~~ **if the** peace officer ~~has~~ :

(a) **Has** probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon:

~~{(a)}~~ (1) A person with whom he or she is actually residing;

~~{(b)}~~ (2) A sibling, if the person is not the custodian or guardian of the sibling; or

~~{(c)}~~ (3) A cousin, if the person is not the custodian or guardian of the cousin ~~[-]~~; **and**

(b) ~~Encountered~~ **Had a face-to-face encounter with the person to be arrested that was of sufficient duration to determine whether probable cause existed while responding to the initial request, incident or call for assistance relating to the battery.** service.

2. **Whether or not a warrant has been issued, a peace officer may arrest a person if the peace officer:**

(a) **Has probable cause to believe that the person to be arrested has, within the immediately preceding 7 days, committed a battery upon:**

(1) **A person with whom he or she is actually residing;**

(2) **A sibling, if the person is not the custodian or guardian of the sibling; or**

(3) **A cousin, if the person is not the custodian or guardian of the cousin; and**

(b) **Did not have a face-to-face encounter with the person to be arrested that was of sufficient duration to determine whether probable cause existed**



~~while responding to the initial ~~request~~ incident or call for ~~assistance relating to the battery~~ service.~~

3. Nothing in this section shall be construed to impose liability upon a peace officer or his or her employer for a determination made in good faith by the peace officer not to arrest a person pursuant to this section.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

**Sec. 13.3. Chapter 49 of NRS is hereby amended by adding thereto a new section to read as follows:**

**“Relevant training” means at least 20 cumulative hours of instruction in:**

**1. Ethics;**

**2. Civil and criminal laws relating to domestic violence, sexual assault or human trafficking;**

**3. Relevant laws relating to confidentiality of communication, as defined in NRS 49.2546, and privileges pursuant to this chapter;**

**4. Trauma-informed care; and**

**5. Any other relevant topics necessary to meet the needs of victims of domestic violence, sexual assault or human trafficking.**

**Sec. 13.5. NRS 49.2541 is hereby amended to read as follows:**

49.2541 As used in NRS 49.2541 to 49.2549, inclusive, **and section 13.3 of this act**, the words and terms defined in NRS 49.2542 to 49.2545, inclusive, **and section 13.3 of this act** have the meanings ascribed to them in those sections.

**Sec. 13.7. NRS 49.2545 is hereby amended to read as follows:**

49.2545 “Victim’s advocate” means a person **who has completed relevant training and** who ~~works~~, **with or without compensation:**

**1. Works for ~~a nonprofit program, a~~ :**

**(a) A program of a university, state college or community college within the Nevada System of Higher Education ~~or a~~ which provides assistance to victims;**

**(b) A program of a tribal organization which provides assistance to victims ~~who~~ ;**

**(c) An organization which provides services to victims of domestic violence, sexual assault or human trafficking; or**

**(d) A nonprofit organization which provides assistance to victims; or**

**2. Provides** services to a victim of an alleged incident of sexual misconduct pursuant to NRS 396.125 to 396.1595, inclusive, ~~with or~~

~~without compensation and who has received at least 20 hours of relevant training.~~

**Sec. 13.9. NRS 49.2546 is hereby amended to read as follows:**

49.2546 1. A communication shall be deemed to be confidential if the communication is between a victim and a victim’s advocate and is not intended to be disclosed to third persons other than:

- (a) A person who is present to further the interest of the victim;
- (b) A person reasonably necessary for the transmission of the communication; or
- (c) A person who is participating in the advice, counseling or assistance of the victim, including, without limitation, a member of the victim’s family.

2. As used in this section, “communication” includes, without limitation, all records concerning the victim and the services provided to the victim which are within the possession of:

- (a) The victim’s advocate; or
- (b) ~~The nonprofit~~ A program ~~[, the program of a university, state college or community college within the Nevada System of Higher Education] or [the program of a tribal]~~ organization described in paragraphs (a) to (d), inclusive, of subsection 1 of NRS 49.2545 for whom the victim’s advocate works.

**Sec. 14. NRS 193.166 is hereby amended to read as follows:**

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 6 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of NRS 200.591, in violation of:

- (a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;
- (b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;
- (c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;
- (d) An emergency or extended order for protection against high-risk behavior issued pursuant to NRS 33.570 or 33.580;
- (e) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;
- (f) A temporary or extended order issued pursuant to NRS 200.378; or
- (g) A temporary or extended order issued pursuant to NRS 200.591,

↪ shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than ~~{20}~~ 5 years. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~{5}~~ 20 years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

- (a) The facts and circumstances of the crime;
- (b) The criminal history of the person;
- (c) The impact of the crime on any victim;
- (d) Any mitigating factors presented by the person; and
- (e) Any other relevant information.

➔ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. The sentence prescribed by this section:

- (a) Must not exceed the sentence imposed for the crime; and
- (b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, battery which results in substantial bodily harm or battery which is committed by strangulation as described in NRS 200.481 or 200.485 if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

5. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

**Sec. 15.** (Deleted by amendment.)

**Sec. 16.** NRS 200.485 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

(c) For the third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

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

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

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

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

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

↪ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$2,000, but not more than \$5,000.

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

(a) For the first offense, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 20 days and may be further punished by a fine of not less than \$500, but not more than \$1,000.

(b) For the second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

5. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS

33.018, if the battery causes substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

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

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

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

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

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

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed or the judgment of conviction is set aside pursuant to NRS 176A.240, 176A.260 or 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

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

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

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

10. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a misdemeanor and may prohibit the person from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360, the person is entitled to a trial by jury pursuant to subsection 1 of NRS 175.011, regardless of whether the person was previously prohibited from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360.

11. A court ~~[-~~

~~(a) Except as otherwise provided in paragraph (b),] shall not grant probation to or suspend the sentence of a person [described in subsection 10.~~

~~(b) May grant probation to or suspend the sentence of a person described in subsection 10:~~

~~(1) As set forth in NRS 4.373 and 5.055; or~~

~~(2) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor. *who is charged with committing]*  
***convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a felony.***~~

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

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

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

13. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not

less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

14. As used in this section:

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

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

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

**Sec. 17.** (Deleted by amendment.)

**Sec. 18.** (Deleted by amendment.)

**Sec. 19.** (Deleted by amendment.)

**Sec. 20.** (Deleted by amendment.)

**Sec. 21. Notwithstanding the amendatory provisions of sections 13.3 to 13.9, inclusive, of this act, until January 1, 2024, the privilege established in NRS 49.2546, as that section existed before October 1, 2023, shall be deemed to apply to a communication between a victim and a victim’s advocate, as provided in NRS 49.2541 to 49.2549, inclusive, regardless of whether or not the victim’s advocate has completed the required relevant training, as defined in section 13.3 of this act, before October 1, 2023, if the victim’s advocate was serving as a victim’s advocate before October 1, 2023.**

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 713 to Assembly Bill No. 51.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Marzola moved that the Assembly do not recede from its action on Senate Bill No. 283, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Peters, Torres, and Hafen as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 283.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Gorelow moved that the Assembly do not recede from its action on Senate Bill No. 60, that a conference be requested, and that

Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Monroe-Moreno, C.H. Miller, and Dickman as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 60.

REMARKS FROM THE FLOOR

Assemblywoman Jauregui moved that the Assembly adjourn until Monday, June 5, 2023, at 10 a.m.

Motion carried.

Assembly adjourned at 11:10 p.m.

Approved:

STEVE YEAGER  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*