

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 19, 2005

Senate called to order at 11:11 a.m.

President Hunt presiding.

Roll called.

All present except Senator Care, who was excused.

Prayer by the Chaplain, Reverend Dr. Jane Foraker-Thompson.

Holy Creator of all that is, we ask Your blessings on the men and women of this legislative body as they seek to make wise and fair decisions in the last few weeks of the Legislative Session. As they struggle to make tough decisions on what programs and needs to fund, let them be guided by Your universal and timeless principles that good government serves the needs of all the people.

Let us all be reminded that as You are patient and compassionate with us so should we be to all people in our society; as You are forgiving to us and offer hope of salvation, so Your compassion for those who have less and are less capable of taking care of themselves is meant to shine through us as we seek to do Your will.

As it says in ancient scripture, "the compassion of human beings is for their neighbors, but the compassion of the Lord is for every living thing. He rebukes and trains and teaches them and turns them back as a shepherd, His flock. He has compassion on those who accept his discipline and who are eager for His precepts." (*Sirach 18:13-14*) For You reward those who follow Your ways. "The souls of the righteous are in the hand of God, and no torment will ever touch them. Those who trust in You will understand the truth, and the faithful will abide with You in love because grace and mercy are upon Your holy ones and You watch over Your chosen." (*Wisdom of Solomon 3:1, 9*)

As we are taught in the old and new covenants, You give us the charge to look after the needy. That is the poor, hungry, thirsty, the sick which translates in our day to mean the homeless, the poor, those without sufficient income or health care; the stranger or immigrant; and those in prison—the outcasts of our societies. For Jesus said that in as much as we do it to the least of these in society, we do it unto Him. For we are all members of the one family of God.

Therefore, in these last few weeks of this Legislative Session, "Let justice roll down like waters, and righteousness like an ever-flowing stream." (*Amos 5:24*)

God bless all who work on legislation during this Session as they try to make the right choices not only the men and women Legislators but their staff, the Legislative Counsel, the Governor and the citizen lobbyists who come to represent those most in need in our society thus glorifying the Creator in their work.

AMEN.

Pledge of allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam President:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 114, 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

RANDOLPH J. TOWNSEND, *Chair*

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 510, 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was referred Senate Bill No. 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which were rereferred Senate Bills Nos. 56, 310, 392, 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM J. RAGGIO, *Chair*

Madam President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 83, 156, 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WARREN B. HARDY II, *Chair*

Madam President:

Your Committee on Human Resources and Education, to which were referred Assembly Bills Nos. 59, 523, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAURICE E. WASHINGTON, *Chair*

Madam President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 51, 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK E. AMODEI, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA K. CEGAVSKE, *Chair*

Madam President:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 15, 407, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEAN A. RHODS, *Chair*

Madam President:

Your Committee on Taxation, to which was referred Assembly Bill No. 145, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MIKE MCGINNESS, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 17, 2005

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 249, 386, 533.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, May 18, 2005

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 279, 299, 530.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 21.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 732 to Assembly Bill No. 112; Senate Amendment No. 678 to Assembly Bill No. 220; Senate Amendment No. 668 to Assembly Bill No. 237; Senate Amendment No. 704 to Assembly Bill No. 518.

DIANE KEETCH

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

May 18, 2005

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bills Nos. 26, 149, 209, 247, 311.

MARK STEVENS

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Heck disclosed that Senate Bill No. 418 on General File deals with additional sales tax for police officers. He is a contract consultant with the Las Vegas Metropolitan Police Department in the matters of health and medicine and has been advised by Legislative Counsel that he may vote on the bill.

Senator Raggio moved that for this legislative day, the Secretary of the Senate dispense with reading the histories and titles of all bills and resolutions.

Motion carried.

Senator Raggio moved to take General File as the next Order of Business.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 22.

Bill read third time.

Roll call on Senate Bill No. 22:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 22 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 34.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 770.

Amend sec. 2, page 2, line 42, by deleting: "upon passage and approval."
and inserting: "on July 1, 2005."

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Coffin.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

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

Motion carried.

Senate in recess at 11:22 a.m.

SENATE IN SESSION

At 11:24 a.m.

President Hunt presiding.

Quorum present.

Senate Bill No. 96.

Bill read third time.

Roll call on Senate Bill No. 96:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 96 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 195.

Bill read third time.

Roll call on Senate Bill No. 195:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 195 having received a constitutional majority,
Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 242.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 778.

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles for Fiscal Year 2006-2007 the sum of \$55,308 for additional costs to the Department to check the status of each initial and renewal vehicle registration to determine if the vehicle is stolen.

2. Any balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2007, and must be reverted to the State Highway Fund on or before September 21, 2007."

Amend sec. 4, page 2, by deleting lines 20 through 22 and inserting:

"Sec. 5. 1. This section and section 4 of this act become effective on July 1, 2005.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2005, for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2006, for all other purposes."

Amend the title of the bill, sixth line, after "stolen;" by inserting: "making an appropriation;"

Amend the summary of the bill to read as follows:

"SUMMARY—Requires Department of Motor Vehicles to perform certain inquiries to determine if vehicle is stolen and makes appropriation to cover additional costs. (BDR 43-350)".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 304.

Bill read third time.

Roll call on Senate Bill No. 304:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Senate Bill No. 304 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 484.

Bill read third time.

Roll call on Senate Bill No. 484:

YEAS—12.

NAYS—Carlton, Coffin, Horsford, Lee, Mathews, Schneider, Titus, Wiener—8.

EXCUSED—Care.

Senate Bill No. 484 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 40.

Bill read third time.

Roll call on Assembly Bill No. 40:

YEAS—20.

NAYS—None.

EXCUSED—Care.

Assembly Bill No. 40 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Raggio moved that Assembly Bills Nos. 104, 105, 124, 395, 404, 418, 421, 532, 542 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

By the Committee on Legislative Operations and Elections:

Senate Concurrent Resolution No. 42—Declaring that certain regulations to which the Legislative Commission has objected will not become effective.

Senator McGinness moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Senate Bill No. 515—AN ACT relating to taxation; revising various provisions governing sales and use taxes for clarification and consistency and to carry out the Streamlined Sales and Use Tax Agreement; and providing other matters properly relating thereto.

Senator McGinness moved that the bill be referred to the Committee on Taxation.

Motion carried.

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senate Standing Committee on Taxation.

For: Senate Bill No. 515.

To Waive:

Subsection 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3.

Has been granted effective: May 19, 2005.

WILLIAM J. RAGGIO
Senate Majority Leader

RICHARD D. PERKINS
Speaker of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 249.

Senator Nolan moved that the bill be referred to the Committee on Transportation and Homeland Security.

Motion carried.

Assembly Bill No. 279.

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

Motion carried.

Assembly Bill No. 299.

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

Motion carried.

Assembly Bill No. 386.

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

Motion carried.

Assembly Bill No. 530.

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

Motion carried.

Assembly Bill No. 533.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 183.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 769.

Amend section 1, page 1, line 3, by deleting "\$8,000,000" and inserting "\$10,807,317".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 265.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 771.

Amend section 1, page 1, line 11, after "2." by inserting: "*The allowance for travel payable pursuant to this section applies only to trips whose one-way distance is 50 miles or more or whose round-trip distance is 100 miles or more.*

3."

Amend section 1, page 2, line 3, by deleting "3." and inserting "4."

Amend section 1, page 2, line 10, by deleting "4." and inserting "5."

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 369.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 709.

Amend the bill as a whole by deleting sections 5 through 7 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

"Sec. 5. The Public Employees' Retirement Board shall conduct an experience study on the Judicial Retirement System of the employment of retired justices and judges who participate in the Judicial Retirement System pursuant to NRS 1A.260, 1A.360 and 1A.370 for the period between July 1, 2005, and July 1, 2008. The Public Employees' Retirement Board shall submit a report of the study to the Interim Retirement and Benefits Committee of the Legislature on or before December 31, 2008.

Sec. 6. 1. This act becomes effective on July 1, 2005.

2. Sections 1 to 4, inclusive, of this act expire by limitation on June 30, 2009."

Amend the title of the bill to read as follows:

"AN ACT relating to the judiciary; revising the provisions governing the retirement benefits of retired justices of the Supreme Court and district judges; requiring the Public Employees' Retirement Board to conduct an experience study on the Judicial Retirement System of the employment of certain retired justices and judges; and providing other matters properly related thereto."

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 724.

Amend sec. 5, page 2, by deleting lines 4 through 14 and inserting:
"consisting of nine members is hereby created. The Superintendent of Public Instruction shall serve as an ex officio voting member of the Commission. The Governor shall appoint the following members to the Commission:

(a) Two teachers who have experience in providing instruction at public elementary schools who have been successful in school improvement efforts;

(b) Two principals of public elementary schools who have experience in administering successful school improvement efforts;

(c) Two school district administrators, one of whom is employed by a school district in a county whose population is less than 100,000 and one of whom is employed by a school district in a county whose population is 100,000 or more;

(d) *One parent or legal guardian of a pupil enrolled in a public school in this State; and*

(e) *One representative of the regional training programs for the professional development of teachers and administrators.*

➡ *The Governor may solicit recommendations for appointments pursuant to this subsection from the Nevada State Education Association, the Nevada Association of School Administrators, a statewide organization for parents of pupils, the Statewide Council for the Coordination of the Regional Training Programs and other organizations and entities related to education in this State. The Governor may consider the recommendations submitted and may make appointments from those recommendations. The Governor shall appoint a Chairman from among the members he appoints."*

Amend sec. 4, page 2, line 31, after "generally." by inserting: *"The per diem allowances and travel expenses must be paid from the Trust Fund and accounted for separately in that Fund."*

Amend sec. 5, page 2, between lines 36 and 37 by inserting:

"6. The Legislative Counsel Bureau:

(a) *Must be provided with adequate notice of each meeting of the Commission; and*

(b) *Shall provide, as directed by the Committee, technical expertise and assistance to the Commission."*

Amend sec. 6, pages 2 and 3, by deleting lines 37 through 45 on page 2 and lines 1 through 41 on page 3, and inserting:

"Sec. 6. 1. The Commission shall:

(a) *Establish a program of educational excellence designed exclusively for pupils enrolled in kindergarten through grade 6 in the public schools in this State based upon:*

(1) *The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;*

(2) *The plan to improve the achievement of pupils prepared by the board of trustees of each school district pursuant to NRS 385.348;*

(3) *The plan to improve the achievement of pupils prepared by the principal of each elementary school pursuant to NRS 385.357 and, as deemed necessary by the Commission, those plans for improvement prepared for middle schools, junior high schools and high schools; and*

(4) *Any other information that the Commission considers relevant to the development of the program of educational excellence.*

(b) *Identify programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.*

(c) *Develop procedures for the submission of applications by school districts and charter schools that desire to participate in the program of educational excellence. The procedures must include clearly defined criteria for eligibility to participate in the program and a list of priorities of schools for distribution of grants of money based upon the money that is made available from this State for the program. On or before July 1 of each year,*

the Department shall provide a list of priorities of schools based upon the adequate yearly progress status of schools in the immediately preceding year for consideration by the Commission in its development of the criteria. A school district or charter school that is accepted for participation in the program may be approved by the Commission for participation for a period not to exceed 2 years.

(d) Prescribe a long-range timeline for the review, approval and evaluation of applications received from school districts and charter schools that desire to participate in the program.

(e) Prescribe accountability measures to be carried out by a school district or charter school that participates in the program if that school district or charter school does not meet the annual measurable objectives established by the State Board pursuant to NRS 385.361. The Commission may establish criteria setting forth:

(1) The specific levels of achievement expected of school districts and schools that participate; and

(2) Conditions for school districts and schools that do not meet the criteria but desire to continue participation in the program and receive money from the Trust Fund, including, without limitation, a review of the leadership at the school to determine whether changes are advisable.

(f) Determine the amount of money that is available from the Trust Fund for those school districts and charter schools that are selected to participate in the program.

(g) Allocate money to school districts and charter schools from the Trust Fund. Allocations must be distributed not later than August 15 of each year.

(h) Establish criteria for school districts and charter schools that participate in the program and receive an allocation of money from the Trust Fund to evaluate the effectiveness of the allocation in improving the achievement of pupils, including, without limitation, a detailed analysis of:

(1) The achievement of pupils enrolled at each school that received money from the allocation based upon measurable criteria identified in the plan to improve the achievement of pupils for the school prepared pursuant to NRS 385.357;

(2) If applicable, the achievement of pupils enrolled in the school district as a whole, based upon measurable criteria identified in the plan to improve the achievement of pupils for the school district prepared pursuant to NRS 385.348;

(3) The implementation of the applicable plans for improvement, including, without limitation, an analysis of whether the school district or the school is meeting the measurable objectives identified in the plan; and

(4) The attainment of measurable progress on the annual list of adequate yearly progress of school districts and schools.

2. To the extent money is available, the Commission shall make allocations of money to school districts and schools for effective programs of

remedial education, and programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils for pupils enrolled in grades 7 through 12. In making such allocations, the Commission shall comply with the requirements of subsection 1.

3. If a school district or school that receives money pursuant to subsection 1 or 2 does not meet the criteria for effectiveness as prescribed in paragraph (h) of subsection 1, the Commission may consider not awarding future allocations of money to that school district or school.

4. In carrying out the requirements of this section, the Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218.5354 concerning programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils."

Amend sec. 7, page 4, line 4, by deleting "6;" and inserting: "6 or pupils in grades 7 through 12, as applicable,".

Amend sec. 7, page 4, line 7, after "6" by inserting: "or pupils in grades 7 through 12, as applicable,".

Amend sec. 8, page 4, by deleting lines 18 through 32 and inserting:

"Sec. 8. 1. The Commission shall prepare an annual report that describes the distribution of money to the school districts and schools and the programs, practices and strategies for which money was allocated from the Trust Fund. The report must be submitted on or before September 1 of each year to the entities identified in subsection 3.

2. The Commission shall:

(a) Prepare an annual report that describes:

(1) The activities of the Commission;

(2) An analysis of the progress of the school districts and charter schools in carrying out the plans to improve the achievement of pupils; and

(3) An analysis of the progress of the school districts, individual schools within each school district and charter schools that received an allocation of money from the Trust Fund in improving the achievement of pupils.

(b) Submit the report on or before January 31 of each year to the entities identified in subsection 3.

3. The Commission shall submit the reports required by this section to the:

(a) State Board;

(b) Governor;

(c) Committee;

(d) Bureau;

(e) Interim Finance Committee;

(f) Board of trustees of each school district;

(g) Statewide Council for the Coordination of the Regional Training Programs; and

(h) Governing body of each regional training program for the professional development of teachers and administrators."

Amend sec. 9, page 4, by deleting lines 43 through 45 and inserting: *"allocation of money to school districts and charter schools whose applications are approved by the Commission pursuant to section 6 of this act."*

Amend the bill as a whole by renumbering sections 11 and 12 as sections 18 and 19 and adding new sections designated sections 11 through 17 as follows:

"Sec. 11. NRS 385.34691 is hereby amended to read as follows:

385.34691 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

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

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

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators established pursuant to NRS 391.512;

(5) The Bureau; and

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

2. A plan to improve the achievement of pupils enrolled in public schools in this State must include:

(a) A review and analysis of the data upon which the report required pursuant to NRS 385.3469 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

- (1) Instruct pupils who are not achieving to their fullest potential;
- (2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;
- (3) Integrate technology into the instructional and administrative programs of the school districts;
- (4) Manage effectively the discipline of pupils; and
- (5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

- (1) The requirements for admission to an institution of higher education and the opportunities for financial aid;
- (2) The availability of millennium scholarships pursuant to NRS 396.911 to 396.938, inclusive; and
- (3) The need for a pupil to make informed decisions about his curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan ~~to~~ , *including, without limitation, a budget for the overall cost of carrying out the plan.*

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

3. The State Board shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in public schools in this State.

4. On or before December 15 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Committee;

(c) Bureau;

(d) Board of Regents of the University of Nevada;

(e) Council to Establish Academic Standards for Public Schools created by NRS 389.510;

(f) Board of trustees of each school district; and

(g) Governing body of each charter school.

Sec. 12. NRS 385.348 is hereby amended to read as follows:

385.348 1. The board of trustees of each school district shall, in consultation with the employees of the school district, prepare a plan to improve the achievement of pupils enrolled in the school district, excluding pupils who are enrolled in charter schools located in the school district. If the school district is a Title I school district designated as demonstrating need for improvement pursuant to NRS 385.377, the plan must also be prepared in consultation with parents and guardians of pupils enrolled in the school district and other persons who the board of trustees determines are appropriate.

2. Except as otherwise provided in this subsection, the plan must include the items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto. If a school district has not been designated as demonstrating need for improvement pursuant to NRS 385.377, the board of trustees of the school district is not required to include those items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto that directly relate to the status of a school district as needing improvement.

3. In addition to the requirements of subsection 2, a plan to improve the achievement of pupils enrolled in a school district must include:

(a) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at individual schools that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in the school district, including, without limitation, strategies to:

- (1) Instruct pupils who are not achieving to their fullest potential;
- (2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;
- (3) Integrate technology into the instructional and administrative programs of the school district;
- (4) Manage effectively the discipline of pupils; and
- (5) Enhance the professional development offered for the teachers and administrators employed by the school district to include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the board of trustees of the school district.

(e) An identification, by category, of the employees of the school district who are responsible for ensuring that each provision of the plan is carried out effectively.

(f) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from the school district, by program and by school, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the school district to carry out the plan ~~[-]~~, *including, without limitation, a budget of the overall cost for carrying out the plan.*

(k) A summary of the effectiveness of appropriations made by the Legislature that are available to the school district or the schools within the school district to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

4. The board of trustees of each school district shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school district.

5. On or before December 15 of each year, the board of trustees of each school district shall submit the plan or the revised plan, as applicable, to the:

- (a) Superintendent of Public Instruction;
- (b) Governor;
- (c) State Board;
- (d) Department;
- (e) Committee; and
- (f) Bureau.

Sec. 13. NRS 385.357 is hereby amended to read as follows:

385.357 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each subgroup of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each subgroup will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies, consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if

the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

- (1) Instruct pupils who are not achieving to their fullest potential;
- (2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;
- (3) Integrate technology into the instructional and administrative programs of the school;
- (4) Manage effectively the discipline of pupils; and
- (5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the principal and other persons and entities responsible for the development of the plan.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.

(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(p) *A budget of the overall cost for carrying out the plan.*

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the technical assistance partnership or the support team established for the school, as applicable, shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS 385.3692 or 385.3741, as applicable. If the school is a Title I school that has been designated as demonstrating need for improvement, the technical assistance partnership or support team established for the school, as applicable, shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the partnership or support team, outside experts.

6. On or before November 1 of each year, the principal of each school, or the technical assistance partnership or support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review,

including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before December 15 of each year, the principal of each school, or the technical assistance partnership or support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

- (a) Superintendent of Public Instruction;
- (b) Governor;
- (c) State Board;
- (d) Department;
- (e) Committee;
- (f) Bureau; and
- (g) Board of trustees of the school district in which the school is located.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than January 1 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 14. NRS 385.3622 is hereby amended to read as follows:

385.3622 If the Department determines that a public school has failed to make adequate yearly progress pursuant to subsection 3 of NRS 385.3613 ~~[-~~

~~1.—The]~~, the Department or its designee shall, to the extent money is available, monitor at the school the administration of the examinations that are required pursuant to NRS 389.550 and ensure that all eligible pupils who are in attendance on the day of the administration of the examinations are given an opportunity to take the examinations until the percentage of pupils who take the examinations is 95 percent or more of all pupils enrolled in the school who are required to take the examinations.

~~{2.—The school is not required to adopt a program of remedial study pursuant to NRS 385.389 and is not eligible to receive money for remedial programs made available by legislative appropriation for the purposes of NRS 385.389.}~~

Sec. 15. NRS 385.389 is hereby amended to read as follows:

385.389 1. The Department shall adopt programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015, including, without limitation, programs that are designed for pupils who are limited English proficient. The programs adopted for pupils who are limited English proficient must be designed to:

- (a) Improve the academic achievement of those pupils; or
- (b) Assist those pupils with attaining proficiency in the English language.

↪ In adopting these programs of remedial study, the Department shall consider the recommendations submitted by the Committee pursuant to NRS 218.5354 and programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

2. ~~Except as otherwise provided in NRS 385.3622, if~~ If a school fails to make adequate yearly progress or if less than 60 percent of the pupils enrolled in a school who took the examinations administered pursuant to NRS 389.015 received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the school shall adopt a program of remedial study that has been adopted by the Department pursuant to subsection 1 ~~[-~~.

3. ~~Except as otherwise provided in NRS 385.3622, a~~ or a program, practice or strategy recommended by the Commission on Educational Excellence pursuant to section 6 of this act, or any combination thereof, as applicable.

3. A school district that includes a school described in subsection 2 shall ensure that each of the pupils enrolled in the school who failed to demonstrate at least adequate achievement on the examinations administered pursuant to NRS 389.015 completes, in accordance with the requirements set forth in subsection 4 of NRS 389.015, remedial study that is determined to be appropriate for the pupil.

Sec. 16. NRS 218.5354 is hereby amended to read as follows:

218.5354 1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(1) Programs to enhance accountability in education;
 (2) Legislative measures regarding education;
 (3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the State Board of Education pursuant to NRS 385.361;

(4) Methods of financing public education;
 (5) The condition of public education in the elementary and secondary schools;

(6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the State Board of Education, school districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

(d) For the purposes set forth in section 6 of this act, recommend to the Commission on Educational Excellence created by section 5 of this act programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 17. 1. The date for distribution of money prescribed in paragraph (g) of subsection 1 of section 6 of this act does not apply to the first fiscal year that money is made available for the purposes prescribed in that section.

2. The date for the submission of the report required by subsection 1 of section 8 of this act does not apply to the first year that distributions of money are made pursuant to section 6 of this act. For that year, the report must be submitted to the entities prescribed not later than 3 weeks after the final distributions are made."

Amend sec. 11, page 5, by deleting lines 10 through 15 and inserting:

"1. One teacher, one principal, one school district administrator and one member who represents the regional training programs for the professional development of teachers and administrators to terms commencing upon appointment and expiring on December 31, 2006.

2. One teacher, one principal, one school district administrator and one parent or legal guardian to terms commencing upon appointment and expiring on December 31, 2007."

Amend sec 12, page 5, by deleting line 16 and inserting:

"Sec. 19. 1. This section and section 18 of this act become effective upon passage and approval.

2. Section 5 of this act becomes effective on July 1, 2005, for the purpose of appointing members to the Commission on Educational Excellence and on July 1, 2005, for all other purposes.

3. Sections 1 to 4, inclusive, and 6 to 17, inclusive, of this act become effective on July 1, 2005."

Amend the title of the bill by deleting lines 5 through 9 and inserting: "charter schools to apply for grants of money from the Trust Fund to improve the achievement of pupils; revising provisions governing the statewide system of accountability; and providing other matters properly".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 774.

Amend section 1, page 1, line 3, by deleting "[1]" and inserting "1".

Amend section 1, page 1, by deleting lines 5 and 6 and inserting:

"2. Section 1 of this act expires by limitation on June 30, ~~[2005.]~~ 2009."

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Section 8 of Chapter 490, Statutes of Nevada 2001, at page 2406, is hereby amended to read as follows:

Sec. 8. The Public Employees Retirement Board shall conduct an experience study on the Public Employees' Retirement System of the employment of retired public employees by public employers that participate in the Public Employees' Retirement System pursuant to section 1 of this act for the period between July 1, ~~[2001.]~~ 2005, and July 1 ~~[2004.]~~ 2008. The Public Employees' Retirement Board shall submit a report of the study to the Interim Retirement and Benefits Committee of the Legislature on or before December 31, ~~[2004.]~~ 2008."

Amend the title of the bill to read as follows:

"AN ACT relating to public employees' retirement; temporarily extending the prospective expiration of the provisions governing allowances paid to certain retired employees who fill positions for which a critical labor shortage exists; requiring the Public Employees' Retirement Board to continue an experience study on the Public Employees' Retirement System of the employment of certain retired persons by public employers; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Temporarily extends prospective expiration of provisions governing allowances paid by Public Employees' Retirement System to

certain re-employed retired public employees and continues experience study. (BDR S-1107)".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 26.

Bill read second time and ordered to third reading.

Assembly Bill No. 32.

Bill read second time and ordered to third reading.

Assembly Bill No. 70.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 763.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sec. 3 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. 1. The Legislature hereby encourages the board of trustees of each school district in this State to adopt policies, or, if applicable, to revise existing policies and regulations, governing the use of school buildings and facilities by groups and organizations that are not part of the school district in a manner that will minimize costs to the school district as well as minimize costs to those groups and organizations that are dedicated to the furtherance and benefit of the mission of the school district.

2. The Legislature hereby recognizes that the boards of trustees of the school districts in this State have a vested interest in ensuring that the operations of the school district are consistent with the policies and regulations adopted by the board of trustees. Therefore, the Legislature hereby encourages the board of trustees of each school district to exercise such authority as is necessary to ensure that a policy or regulation adopted by the board of trustees concerning the use of school buildings and facilities by groups and organizations that are not part of the school district be applied as consistently as possible by all schools located in that school district."

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, Communities benefit when public schools are recognized and respected as focal points for intellectual, social and cultural development; and

WHEREAS, Public schools are public facilities and, to the extent possible, should serve the public in as many ways as possible; and

WHEREAS, There are groups and organizations in our communities whose goals and efforts complement the goals and efforts of public schools and are of direct benefit to pupils enrolled in public schools; and

WHEREAS, It is beneficial for school districts to help support, to the extent possible, such groups and organizations, which may include, without limitation:

1. Youth-oriented groups and organizations that serve the pupils enrolled in a public school and help promote the fundamental missions of a school district; and

2. Adult groups and organizations that foster relationships between parents and schools; and

WHEREAS, School districts may help support those groups and organizations by:

1. Allowing the use of public school buildings and facilities by those youth-oriented groups and organizations that serve the pupils of a public school and promote the fundamental missions of the school district; and

2. Providing those groups and organizations the opportunity to perform service projects, upon the mutual agreement of the school district and the group or organization, in lieu of paying a fee for such use; and

WHEREAS, It remains vital for the school districts in this State to preserve per-pupil allocations for the operation of the public schools and to ensure that those dollars are not expended in support of groups and organizations whose missions do not directly support public education; now, therefore,"

Amend the title of the bill to read as follows:

"AN ACT relating to school property; expressing the sense of the Legislature concerning the use of school buildings and facilities by groups and organizations that are not part of a school district; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Expresses sense of Legislature concerning use of school buildings and facilities by certain groups and organizations. (BDR S-842)".

Senator Washington moved the adoption of the amendment.

Remarks by Senators Washington, Carlton and Cegavske.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 141.

Bill read second time and ordered to third reading.

Assembly Bill No. 162.

Bill read second time and ordered to third reading.

Assembly Bill No. 165.

Bill read second time and ordered to third reading.

Assembly Bill No. 168.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 762.

Amend section 1, page 3, by deleting line 23 and inserting:

"7. *If the State Board denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. 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.*

8. *If the State Board denies ~~[the application,]~~ an application after it has been resubmitted pursuant to subsection 7, the applicant may,".*

Amend section 1, page 3, between lines 26 and 27, by inserting:

"9. *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 or the State Board 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."

Amend the title of the bill, third line, after "Education;" by inserting: "requiring the Superintendent of Public Instruction to submit a report to the Legislature concerning the applications to form charter schools that were submitted during the preceding biennium;"

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 180.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 765.

Amend sec. 2, page 9, line 38, by deleting: "located. If applicable," and inserting: "located ~~[- If applicable,]~~, or a".

Amend sec. 2, page 10, by deleting lines 24 through 27 and inserting: "not more than 30 days after receipt of the written notice of denial. ~~[If an applicant proposes to form a charter school exclusively for the enrollment of~~

~~pupils who receive special education pursuant to NRS 388.440 to 388.520, inclusive, the~~ An applicant may *also* submit the written".

Amend sec. 5, page 14, line 15, by deleting the comma and inserting: "*located in a county whose population is 100,000 or more,*".

Amend sec. 10, page 22, line 2, after "used" by inserting: "*as the only criteria*".

Amend sec. 12, page 24, line 14, by deleting "1" and inserting "2".

Amend sec. 13, page 24, line 20, by deleting "6" and inserting "7".

Amend the title of the bill by deleting the sixth through ninth lines and inserting: "trustees of a larger school district to enroll pupils who reside in the district before enrolling pupils who reside outside the district; revising the provisions governing the licensed personnel of a charter school; revising provisions governing the use of certain accountability information in the evaluation of teachers; revising the provisions".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing charter schools and automated system of accountability information for public schools. (BDR 34-1034)".

Senator Washington moved the adoption of the amendment.

Remarks by Senators Washington and Titus.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 337.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 735.

Amend section 1, page 2, lines 4 and 5, by deleting: "*or governmental organization*".

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 764.

Amend section 1, page 3, after line 43, by inserting:

"11. *The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:*

(a) Commercial trucking;

- (b) *Environmental crimes;*
- (c) *Explosives and pyrotechnics;*
- (d) *Drugs or other controlled substances; or*
- (e) *Any similar activity specified by the State Fire Marshal."*

Amend the title of the bill, third line, after "firemen;" by inserting: "authorizing the State Fire Marshal to participate in certain local, state or federal teams or task forces;"

Senator Heck moved the adoption of the amendment.

Remarks by Senators Heck, Carlton and Washington.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 351.

Bill read second time and ordered to third reading.

Assembly Bill No. 379.

Bill read second time and ordered to third reading.

Assembly Bill No. 426.

Bill read second time and ordered to third reading.

Assembly Bill No. 454.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Education:

Amendment No. 736.

Amend sec. 6, page 2, between lines 34 and 35, by inserting:

"3. For each regulation adopted pursuant to sections 2 to 12, inclusive, of this act, and submitted to the Legislative Counsel pursuant to NRS 233B.067 for review by the Legislative Commission, the Division shall set forth in the informational statement prepared pursuant to NRS 233B.066 that accompanies the regulation any supported living arrangement services that the regulation authorizes persons to provide pursuant to NRS 632.340 when the persons would otherwise be prohibited from providing such services pursuant to NRS 632.315."

Senator Washington moved the adoption of the amendment.

Remarks by Senator Washington.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 458.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 766.

Amend the bill as a whole by renumbering sec. 4 as sec. 7 and adding new sections designated sections 4 through 6, following sec. 3, to read as follows:

"Sec. 4. Section 1 of the Lake Tahoe Basin Act of June 8, 1999, being Chapter 514, Statutes of Nevada 1999, at page 2627, is hereby amended to read as follows:

Section 1. 1. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, in cooperation with other state agencies, shall coordinate the development and implementation of a program of environmental improvement projects for:

- (a) The protection and enhancement of the quality of the air and water;
 - (b) The protection and restoration of natural watercourses, wetlands, wildlife habitat, fisheries, vegetation and forests;
 - (c) Prevention and control of erosion; and
 - (d) Enhancement of recreational and tourism opportunities,
- ↪ in the Lake Tahoe Basin.

2. Money to carry out the program in an amount not to exceed \$3,200,000 must be provided for the period between the fiscal year beginning on July 1, 1999, and the fiscal year ending on June 30, 2001, by the issuance by the State Board of Finance of general obligation bonds of the State of Nevada in a total face amount of not more than \$3,200,000 pursuant to NRS 349.150 to 349.364, inclusive. The proceeds of the bonds issued pursuant to this subsection must be deposited in the Fund to Protect the Lake Tahoe Basin created pursuant to section 2 of this act and, except as otherwise provided in this subsection, must be used as follows:

- (a) Sand Harbor Visitor/Administrative Center BMPs \$1,000,000
- (b) North Canyon Hiking Trail..... 15,000
- (c) Sand Harbor Erosion Control 100,000
- (d) Upland Wildlife Habitat Enhancement..... 66,000
- (e) North Canyon Old Growth Habitat Restoration 130,000
- (f) Forest Restoration - Phase I 1,500,000
- (g) Sand Harbor-Memorial Point Trail..... 56,000
- (h) Hidden Beach Rehabilitation, BMPs..... 106,000
- (i) Sugar Pine Old Growth Habitat Restoration 75,000
- (j) Project contingency 152,000

↪ If an amount authorized pursuant to this subsection is insufficient to allow the completion of the project for which it is authorized, the Interim Finance Committee, upon the request of the Division of State Lands of the State Department of Conservation and Natural Resources, may increase the amount authorized for the project and offset the increase by reducing the amount authorized for another project or projects pursuant to this subsection by the amount of the increase. The Division of State Lands may use money authorized pursuant to this subsection for a project other than a project listed in this subsection if the Interim Finance Committee approves such a use in writing before the Division engages in the project. The Division of State Lands may allocate money pursuant to paragraph (j) without the prior approval of the Interim Finance Committee.

3. Money to carry out the program in an amount not to exceed \$53,200,000 must be provided for the period between the fiscal year beginning on July 1, 2001, and the fiscal year ending on June 30, ~~[2007,]~~ 2010, by the issuance by the State Board of Finance of general obligation bonds of the State of Nevada in a total face amount of not more than \$53,200,000. With the prior approval of the Legislature or the Interim Finance Committee, the bonds may be issued from time to time pursuant to a schedule established by the Administrator of the Division of State Lands. The provisions of NRS 349.150 to 349.364, inclusive, apply to the issuance of bonds pursuant to this subsection.

4. The amount of bonds authorized by subsection 3 must be reduced by the amount of any money appropriated by the Legislature for the same purpose upon certification by the Administrator of the Division of State Lands of the amount of each such appropriation to the State Board of Finance. The Administrator of the Division of State Lands shall submit a request to the Legislature each biennium, as necessary, for an appropriation for the program.

5. The Administrator of the Division of State Lands may adopt such regulations as are necessary to carry out the program.

Sec. 5. Chapter 585, Statutes of Nevada 1985, at page 1866, is hereby amended by adding thereto a new section, to be designated as section 5.5, immediately following section 5, to read as follows:

Sec. 5.5. 1. *The proceeds of any bonds issued pursuant to this act, after deducting the expenses relating to the issuance of the bonds, must be accounted for separately in the State General Fund.*

2. *Any interest or income earned on the money in the account must be credited to the account.*

3. *Money in the account:*

(a) *Does not revert to the State General Fund at the end of any fiscal year; and*

(b) *Must be carried forward to the next fiscal year.*

Sec. 6. Section 3 of Chapter 361, Statutes of Nevada 1995, as amended by Chapter 438, Statutes of Nevada 2003, at page 2658, is hereby amended to read as follows:

Sec. 3. ~~[After]~~

1. *The proceeds of any bonds issued pursuant to section 1 of this act, after deducting the expenses relating to the issuance of the bonds, must be accounted for separately in the State General Fund.*

2. *Any interest or income earned on the money in the account must be credited to the account.*

3. *Money in the account:*

(a) *Does not revert to the State General Fund at the end of any fiscal year;*

(b) *Must be carried forward to the next fiscal year; and*

(c) *May be used by the State Land Registrar* ~~[may use the proceeds from any bonds issued pursuant to the provisions of section 1 of this act]~~ to defray the costs of administering the program for awarding grants and other programs to protect the Lake Tahoe Basin."

Amend the preamble of the bill, page 2, by deleting lines 3 and 4 and inserting: "and its political subdivisions is \$82,000,000; and".

Amend the preamble of the bill, page 2, by deleting lines 30 and 31 and inserting:

"WHEREAS, Chapter".

Amend the preamble of the bill, page 2, line 34, by deleting: "during that period".

Amend the preamble of the bill, page 3, between lines 5 and 6, by inserting:

"WHEREAS, Although the timing for the issuance of bonds authorized pursuant to Chapter 514, Statutes of Nevada 1999, to pay for Nevada's share of the Environmental Improvement Program was initially the 10-year period ending in Fiscal Year 2006-2007, extension of that period to the end of Fiscal Year 2009-2010 is necessary to complete the funding of the remaining environmental improvement projects; and".

Amend the title of the bill, third line, after "Program;" by inserting: "extending the period for issuance of bonds to carry out the Program; clarifying the manner in which money from the proceeds of previously issued bonds must be administered;"

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to issuance of bonds concerning Lake Tahoe Basin. (BDR S-308)".

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 475.

Bill read second time and ordered to third reading.

Assembly Bill No. 477.

Bill read second time and ordered to third reading.

Assembly Bill No. 483.

Bill read second time and ordered to third reading.

Assembly Bill No. 495.

Bill read second time and ordered to third reading.

Assembly Bill No. 509.

Bill read second time and ordered to third reading.

Assembly Bill No. 510.

Bill read second time and ordered to third reading.

Assembly Bill No. 519.

Bill read second time and ordered to third reading.

Assembly Bill No. 521.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Washington moved that Assembly Bill No. 84 be taken from the Secretary's desk and placed on the General File for the next legislative day.

Remarks by Senator Washington.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 205.

The following Assembly amendment was read:

Amendment No. 715.

Amend sec. 3, page 2, line 16, by deleting "D" and inserting "E".

Amend sec. 5, page 2, line 43, by deleting "D" and inserting "E".

Amend sec. 5, page 3, line 4, by deleting "D" and inserting "E".

Amend sec. 6, page 3, line 25, by deleting "D" and inserting "E".

Senator Washington moved that the Senate concur in the Assembly amendment to Senate Bill No. 205.

Remarks by Senator Washington.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 261.

The following Assembly amendment was read:

Amendment No. 716.

Amend sec. 18, page 4, line 36, by deleting "~~and~~" and inserting "and".

Amend sec. 18, pages 4 and 5, by deleting lines 39 through 44 on page 4 and lines 1 through 3 on page 5, and inserting: "signs stating "Warning: Avalanche Danger Area."

2. ~~{A skiing}~~ An operator shall equip vehicles it uses on or in the vicinity".

Senator Washington moved that the Senate concur in the Assembly amendment to Senate Bill No. 261.

Remarks by Senator Washington.

Motion carried by a constitutional majority.

Bill ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Cegavske, Titus and Heck as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 68.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 30, 31, 35, 91, 297; Senate Resolution No. 9; Assembly Bills Nos. 80, 108, 112, 118, 159, 181, 220, 231, 237, 271, 392, 393, 486, 518, 537, 547; Assembly Joint Resolutions Nos. 4, 10, 12, 14.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teachers from the Fritsch Elementary School: Victor Acevedo, Vanessa Brown, Hilary Collins, Oscar Contreras, Monica Escobedo-Garcia, Nicholas Higgins, Spenser Hollenbeck-Pringle, Sashank Kandhadai, Joseph Koelzer-Zinda, Vincent Krische, Anastasia Martel, Tyler McCallister, Jennifer McKenzie, Ashley Meyer, Viridiana Miranda, Jessica Patridge, Taylor Patterson, Osiris Peregrina, Amanda Perez, Anthony Roling, Brian Rosas, Jason Rush, Brandon Sanders, Laura Shirley, Justin Timm, Dillon Torres, Erica Watson, Ashley Wilson, Jarrod Wingfield, Katharyn Woods, Ryan Young, Sidni Amato, Taylor Bradshaw, Itzel Centeno, A.J. Gonzales, Rebecca Hanzlik, Gunnar Harper, Sarah Housel, Robert James, Katie Krahn, Micheal Loomis, Brianna Mathiesen, Cole McCarthy, Brianna McCord, Bruce McIntosh, Melissa Phelps, Abigail Pittman, McKenzie Price, Aaron Rumsey, Vladislov Savranschi, Ciera Scott, Sarah Stenger, Jennifer Tewell, Alexandra Theiss, Kenzie Tillitt, Emily Touns, Nolan Truesdell, Carlos Valladares, Tyler Valley, Ricky Watson, April Wilson; teachers: Clay Soderstrom, Stacey Cress and Jason King.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Rachelle Kinsey.

On request of Senator Washington, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teachers from the Hidden Valley Elementary School: Mitchell Albrect, Cody Barnes, Katerina Berg, Zach Bolton, Lynelle Fung, Dylan Griffin, Taylor Grogan, Christine Houk, Adam Hsu, Andres Jacinto, Loren Johnson, Sunay Kandi, Haley Magenheimer, Alysia Mallorca, Elena Mendez, Joanna Rimon, Sarah Smith, Courtney Tranberg, Dylan Travis, Jasmine Videna, Carrolann Bailey, Davis Brodzinski, Mariah Connell, Sandra Romano, Chase Heying, Catie Houk, Aaron Johnson, Ciara Kelley, Jason Ligon, Jennifer Mayer, Nick Pavone, David Polk, Jillisa Pritchard, Luis Salcedo, Morgan Sanders, Tyler Sands, Ben Schultz, Will Shutt, Alexia Suerdieck, Bivyanna Torres, Blake Banning, Jeremy Bonar, Michael Glazer, Alyssa Harwell, Sam Mason, Joe Preciado, Cody Rose, Jaime Tackett, Kaylie Tisdale, Clarissa Vazquez,

Breanna Vest, Erica Wood, Chandler Wright, Deana Wright; teachers: Stephanie Sullivan, Dawn Griffith and Greg Henry.

On request of President Hunt, the privilege of the floor of the Senate Chamber for this day was extended to the following members of the Hispanic Chamber of Commerce: Sergio Arias, Dr. Cody Bengoa, Jose Calderon, Gerold Dermid, Dan Glenn, Gerardo Gutierrez-Pena, Marco Lima, Richard Peacock, Jose Varela, Suzy Garcia, Juana Martinez, Sonia Prizant, Horalia Rodriques, Diana Scavacini, Lorena Solario-Osuna, Norma Toledo-Duarte, Karen Foster, LaVonne Brooks, David White, Lisa Martin, Jesse Gutierrez, Jiame Edrosa and Eduardo Wagner.

Senator Raggio moved that the Senate adjourn until Monday, May 23, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 12:06 p.m.

Approved:

LORRAINE T. HUNT
President of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate